



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HON'BLE MR.JUSTICE P.D. AUDIKESAVALU

W.P.NO.33018 OF 2017

AND

W.M.P.NO.36385 OF 2017

M/s. Sam Turbo Industry Private Limited,
76, 7th Cross, Bharathi Park Road,
Saibaba Colony,
Coimbatore - 641 011,
Rep. by S.Mohamad Jainnah,
Assistant General Manager - HR

...Petitioner

Vs

1.The Presiding Officer,
Labour Court, Coimbatore.

2.The Director,
Sub Regional Office,
Employees State Insurance Corporation,
No. 1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram,
Coimbatore - 641 045.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the First Respondent dated 22.08.2017 in I.A. No. 490 of 2014 in Un-numbered ESIOP/2014 and to quash the same and direct the First Respondent to dispose of I.A. No. 490 of 2014 in Un-numbered ESIOP/2014 in accordance with Section 75(2) (B) of the ESI Act.

For Petitioner	:	Mr.R.Jayaprakash
For Respondent	:	R1 - Labour Court Mr.K.Prabakar (for R2)

O R D E R

Heard Mr. R.Jayaprakash, Learned Counsel for the Petitioner and Mr. K.Prabakar, Learned Counsel for the Second Respondent



and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had made an application under Section 75 of the Employees State Insurance Act, 1948 (hereinafter referred to as 'the Act' for short) before the First Respondent against Order No. 56-00-014259-000-0101 dated 30.06.2014 passed by the Second Respondent ascertaining the liability of the Petitioner as Rs. 39,63,028/- towards contribution of Employees' State Insurance for the period from January 1998 to August 2007. In terms of clause 2-B to Section 75 of the Act, the Petitioner was required to deposit 50% of the amount due as claimed by the Second Respondent and relying on the proviso thereto, the Petitioner in I.A. No. 490 of 2014 had sought for waiver of the amount that was required to be deposited. The First Respondent by order dated 22.08.2017 dismissed the said application, which is challenged in this Writ Petition.

3. Learned Counsel for the Petitioner has filed the memo dated 25.02.2022 stating that he is now ready and willing to make a deposit of 50% of the amount due in five equal monthly installments before the First Respondent, which is placed on record. In view of the aforesaid submissions made and taking into account the principles laid down by the Hon'ble Supreme Court of India in Shyam Kishore -vs- Municipal Corporation of Delhi [(1993) 1 SCC 22], the Petitioner shall make payment of the amount required to be deposited in five equal monthly installments before the First Respondent commencing from the date of receipt of a copy of this order. If the entire amount as required to be deposited is made, the First Respondent shall take the application made under Section 75 of the Act on file and decide the same following the prescribed procedure on merits in accordance with law.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

vjt

To

1.The Presiding Officer,
Labour Court,
Coimbatore.



2.The Director,
Sub Regional Office,
Employees State Insurance Corporation,
No. 1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram,
Coimbatore - 641 045.

3.M/s.Sam Turbo Industry Private Limited,
76, 7th Cross, Bharathi Park Road,
Saibaba Colony,
Coimbatore - 641 011,
Rep. by S.Mohamad Jainnah,
Assistant General Manager - HR

+1cc to Mr.R.Jayaprakash, Advocate, Sr.No.12675

+1cc to Mr.K.Prabakar, Advocate, Sr.No.12940

W.P.No.33018 of 2017

RK(CO)
RVM(15/06/2022)