



W.P.(MD)No.21673 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 30.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.21673 of 2022
and
W.M.P(MD).No.15805 of 2022

M/s.Kareem Readymades,
rep., by its Managing Partner,
Mohamed Mohibullah

... Petitioner

Vs

The Recovery Officer,
Employee's State Insurance Corporation,
Sub-Regional Office,
Theerthamalai Vaniga Valagam,
39/57, Three Roads, Salem 636 009.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the Employees State Insurance Court (Labour Court), Trichy in I.A.No.1 of 2021 in E.S.I.O.P.No.850 of 2021 dated 10.08.2022 and quash the same as illegal, consequently directing the Employees State Insurance Court (Labour Court), Trichy to reduce or waive the deposit amount.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.R.Ravindran
Standing Counsel



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ORDER

WEB COPY Heard the learned counsel for the writ petitioner and the learned Standing Counsel for the respondent ESI Corporation.

2.The petitioner had suffered an assessment order at the hands of the respondent. Questioning the same, the petitioner filed E.S.I.O.P.No. 850 of 2021 before the Employee's State Insurance Court (Labour Court), Trichy. The petitioner filed a petition under Section 75(2)(B) of the ESI Act for waiving the deposit amount. The said petition was dismissed by the impugned order dated 10.08.2022 and the petitioner was called upon to comply with the said requirement. Challenging the same, the writ petition has been filed.

2.Though the learned Standing Counsel for the respondent Corporation strongly submitted that the impugned order does not call for any interference, considering the special facts and circumstances obtaining in this case, I am of the view that the interest of justice would be met by directing the petitioner to deposit 25% of the liability. The petitioner is given time to deposit 25% of the liability to the credit of E.S.I.O.P.No.850 of 2021 before the Employee's State Insurance Court (Labour Court), Trichy, within a period of four (4) weeks from the date of



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receipt of a copy of this order. The learned Judge, Employee's State Insurance Court (Labour Court), Trichy, is directed to dispose of E.S.I.O.P.No.850 of 2021 itself on merits and in accordance with law, within a period of three (3) months thereafter. The impugned order in this writ petition is modified accordingly and the Writ Petition is disposed of on these terms. No costs. Consequently, connected Miscellaneous Petition is closed.

30.09.2022

Index : Yes/No

Internet : Yes/No

Rmk

Note : Issue order copy on 13.10.2022

To

The Employees State Insurance Court (Labour Court),
Trichy.



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G.R.SWAMINATHAN, J.,

Rmk

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