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W.P.Nos.1417, 1421 & 1428 of 2021, 19382 & 19387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.1417, 1421 & 1428 of 2021,
19382 & 19387 of 2023**

M/s.St.Thomas Matriculation Higher Secondary School,
Represented by its
Correspondent
T.Rajan Mathews
No.14, Sai Nagar,
Chinnasekkadu,
Manali,
Chennai – 600 068.

... Petitioner in W.Ps.1417, 1421 &
1428/2021

King's Matriculation Higher Secondary School,
Represented by its
Authorized Signatory,
No.85, Villivakkam Road,
Lakshmipuram, Kalpalayam,
Chennai – 600 099.

... Petitioner in W.Ps.19382 &
19387/2023

Vs.

1.The E.S.I. Corporation,
Regional Office (T.N.)
Rep by its,
Regional Director,
Panchadeep Bhavan,
No.143, Sterling Road,
Chennai – 600 034.



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2.The Assistant/ Deputy Director,
Regional Office (Tamil Nadu),

Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai – 600 034.

... Respondents in W.Ps.1417, 1421 &
1428/2021

1.Employees' State Insurance Corporation,
Rep. by its Regional Director,
No.143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

2.Employees' State Insurance Corporation,
Rep. by its Deputy Director,
No.143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

3.The Recovery Officer,
ESI Corporation,
Chennai – 600 034.

... Respondents in W.Ps.19382 &
19387/2023

Prayer in W.P.No.1417 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the second respondent passed in Ref.No.51001009950001302/CP/393504 dated 27.11.2020 and quash the same.

Prayer in W.P.No.1421 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the second respondent passed in No./INS VIII/51001009950001302/ 102120201037, dated 27.10.2020 and



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quash the same.

Prayer in W.P.No.1428 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the second respondent passed in Ref.No.51001009950001302/CP/393505 dated 27.11.2020 and quash the same.

Prayer in W.P.No.19382 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of the respondents, Employees State Insurance Corporation passed in No.TN/Ins.VIII/51-00-103104-000-1302/C18 Adhoc dated 31.03.2023 and consequent recovery proceedings vide No. /Ins VIII/51-00-103104-000-1302/C-19 dated 15.06.2023 and to quash the same.

Prayer in W.P.No.19387 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of the respondents, Employees State Insurance Corporation passed in No.TN/Ins.VIII/51-00-103104-000-1302/C18 Adhoc dated 31.03.2023 and consequent recovery proceedings vide No. /Ins VIII/51-00-103104-000-1302/C-19 dated 15.06.2023 and to quash the same.

For Petitioner : Mr.P.Muthusamy
For Respondents : Ms.G.Narmadha for R1 and R2
for M/s.G.Bharadwaj
in W.Ps.1417, 1421 and 1428 of 2021



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Mr.S.Jeyakumar
in W.Ps.19382 and 19387 of 2023

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COMMON ORDER

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2.Challenging the notices issued by the Employees State Insurance Corporation, these writ petitions have been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners have paid the principal amount towards ESI contribution, however, the issue arises for non payment of the interest alone. Hence, this Court may grant liberty to the petitioners, to approach the ESI Authorities either for waiver of interest or for payment of interest by way of installments or to approach the ESI Court challenging the interest ordered by the respondents.

4.The learned counsel appearing for the respondents submitted that the ESI Corporation have no power either to waive or modify the amount demanded. It can be modified by this Court or the petitioners have to approach the ESI Court.



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5. In view of the above, these writ petitions are dismissed with liberty to the petitioners to approach the ESI Court for appropriate remedy, if so aggrieved. It is also open to the petitioners to pay the interest amount by way of installments. If the petitioners are paying the interest amount by way of installments, the respondents are directed to collect the interest amount in five installments. No costs. Consequently, connected miscellaneous petitions are closed.

12.07.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1. The Regional Director,
E.S.I. Corporation,
Regional Office (T.N.)
Panchadeep Bhavan,
No.143, Sterling Road,
Chennai – 600 034.
2. The Assistant/ Deputy Director,
Regional Office (Tamil Nadu),
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai – 600 034.
3. The Recovery Officer,
ESI Corporation,

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M.DHANDAPANI,J.
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