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W.P.No.23863 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23863 of 2023
and
W.M.P.No.23375 of 2023

Hotel Comfort,
Unit of Chennai Hotels (India) Pvt Ltd.,
22, Vallabha Agraharam Street,
(Opp. To Star Theatre),
Triplicane High Road,
Chennai – 600 005
Rep. by its Managing Director.

... Petitioner

Vs.

1. The Deputy Director,
Employees State Insurance Corporation of India,
143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

2. The Recovery Officer,
Employees State Insurance Corporation of India,
143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to permit the petitioner to remit the sum of Rs.17,89,439 claimed in terms of proceeding No.TN / RECY/ 45G/ 51 51001090070001101 dated 13.07.2023 in 30 monthly equal installments to be specified by this Honble Court on such terms and conditions which this Hon'ble Court may deem fit and further permit the Petitioner to operate the bank account maintained with IDBI Bank, Greams Road branch with account number 0005102000050111.

For Petitioner

: Mr.Anand Gopalan for

M/s.T.S.Gopalan and Co.,

For Respondents

: Mr.T.N.C.Kaushik

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the second respondent to permit the petitioner to remit the sum of Rs.17,89,439/- claimed in terms of proceedings No.TN / RECY/ 45G/ 51 51001090070001101 dated 13.07.2023 in 30 equal monthly installments and subsequently to permit the Petitioner to operate the bank account maintained with IDBI Bank, Greams Road branch with account



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number 0005102000050111.

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2. It is the case of the petitioner that on account of the arrears of contribution / Interest / damages under Employees State Insurance Act, 1948, a sum of Rs.17,89,439/- along with further interest was imposed by the second respondent vide notice dated 13.07.2023 as due payable by the petitioner. Due to the said attachment notice, the bank account of the petitioner maintained with IDBI Bank, Greams Road branch has been frozen. Seeking to permit the petitioner to remit the sum of Rs.17,89,439/- in 30 equal monthly installments and to de-freeze his bank account maintained with aforesaid Bank, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that though the petitioner has sought for direction to remit the sum of Rs.17,89,439/- claimed in terms of proceedings of the second respondent dated 13.07.2023 in 30 equal monthly installments, however, this Court may fix a reasonable time enabling the petitioner management to pay the Employees State



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Insurance (ESI) amount.

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4. The learned counsel appearing for the respondents did not dispute the facts submitted by the learned counsel for the petitioner and submitted that this Court may fix a time within which the amount should be paid.

5. In view of the consent expressed by learned counsel appearing on either side, this Court without going into the merits of the case directs the petitioner to remit the sum of Rs.17,89,439/- to the respondents Corporation by way of 15 monthly installments, the first of which will be on 16.08.2023, failing which, it is open to the respondents to take appropriate action in the manner known to law. The respondents are directed to take action forthwith to de-freeze the Bank account of the petitioner so as to enable the petitioner to pay the installments as ordered by this Court. Further the petitioner management is directed to pay the succeeding contribution on or before the 5th day of every English Calendar month. However, it is made clear that failure of the petitioner to pay the installments, it is open to the respondents



to take appropriate action including freezing the account of the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

11.08.2023

(rap)

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

Office to Note: Issue order copy on 11.08.2023.

To

1. The Deputy Director,
Employees State Insurance Corporation of India,
143, Sterling Road,
Nungambakkam,
Chennai – 600 034.
2. The Recovery Officer,
Employees State Insurance Corporation of India,
143, Sterling Road,
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M.DHANDAPANI,J.

rap

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