



W.P(MD)No.27108 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27108 of 2023

and

W.M.P(MD)No.23269 of 2023

M/s.Alagappa Matriculation Higher Secondary School,
Alagappapuram,
Karaikudi,
Sivagangai District-630 003.

Represented by its Manager N.S.Kasi Viswanathan.

... Petitioner

Vs.

1.The Deputy Director,
Sub Regional Office (Madurai),
Employee's State Insurance Corporation,
No.2, West Street, KK Nagar,
Madurai-20.

2.The Recovery Officer,
Sub Regional Office (Madurai),
Employee's State Insurance Corporation,
No.2, West Street, KK Nagar,
Madurai-20.

3.The Recovery Inspector,
Sub Regional Office (Madurai),
Employee's State Insurance Corporation,
No.2, West Street, KK Nagar,
Madurai-20.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of impugned order passed by 2nd respondent in 57-00-071776-000-1301, dated 20.10.2023 and impugned order passed by 3rd respondent in proceedings No.57/RRC/SRO/MDU/71776, dated 26.10.2023 and quash the same as illegal, arbitrary and non est in law.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.C.Karthik
Standing Counsel

ORDER

The present writ petition has been filed challenging the Recovery Certificate issued by the respondents herein under the ESI Act.

2. This Court by an interim order, dated 10.11.2023 had directed the School to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakh only) on or before 27.11.2023. The petitioner school had deposited a sum of Rs.25,00,000/- (Rupees Twenty Five Lakh only) on 23.11.2023 and they have complied with the interim orders of this Court.

3. The order under Section 45-A has been passed in the year 2013 and so far, no appeal has been preferred by the petitioner School. The



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recovery proceedings have been initiated by the ESI authorities in the year 2023 under the impugned orders.

4. Considering the fact that the recovery proceedings have been initiated after a period of 10 years and the E.S.I contribution has got accumulated, this Court is of the considered opinion that the petitioner School may be permitted to deposit the amount in installments. Accordingly, the petitioner school is directed to pay the balance amount in 12 equated monthly installments, starting from **January 10th** onwards. The amount shall be deposited on the 10th of every month. In case of any default for even one month, the authorities are at liberty to proceed in accordance with law.

5. With the said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Deputy Director,



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Sub Regional Office (Madurai),
Employee's State Insurance Corporation,
No.2, West Street, KK Nagar,
Madurai-20.

2.The Recovery Officer,
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3.The Recovery Inspector,
Sub Regional Office (Madurai),
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R.VIJAYAKUMAR,J.

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Order made in
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