



WA No.263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.263 of 2024

V.R. SPINNING MILLS

rep.by Managing Director by Arun Karthik : Appellant

Vs

The Recovery Officer

Employees State Insurance Corporation

1897, Trichy Road Panchdeep Bhavan

Ramanathapuram Coimbatore- 641 045. : Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.16248 of 2018 dated 08.09.2023.

For the Appellant : Mr.B.Gopalakishnan

For the Respondent : Mr.Bharadwaj



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JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Gopalakishnan, learned counsel for the appellant and Mr.Bharadwaj, learned counsel for the respondent.

2. The learned counsel for the appellant, on instructions, submits that the appellant is not a registered company. However, it is a sick company and as such, damages are required to be waived. Damages cannot be imposed upon the appellant under the provisions of the Employees State Insurance Act. The learned Single Judge has only granted installments but has failed to consider the main challenge to the levy of damages.

3. If the petitioner is not a company registered under the Companies Act, then the provisions of the Sick Industrial Companies (Special Provisions) Act, 1985, would not apply. There is no declaration that the appellant is a sick company by the Board for Industrial and Financial Reconstruction also. In absence thereof, the contentions of the appellant cannot be accepted.



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4. The writ appeal as such is dismissed. There shall be no order as to costs. Consequently, CMP No.1666 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

22.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

The Recovery Officer
Employees State Insurance Corporation
1897, Trichy Road Panchdeep Bhavan
Ramanathapuram Coimbatore- 641 045.



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THE HON'BLE CHIEF JUSTICE

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