



WEB COPY



W.P.No.5152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.5152 of 2024
and W.M.P.No.5663 of 2024

M/s.Shabari Enterprises
No.2/680,
J.H.Road, S.V.Chatram
Sriperumbudur
Kancheepuram – 602 106.
Represented by its
General Manager -
Finance & Accounts

...Petitioner

Vs.

1. The Assistant/Deputy Director for Regional Director
Regional Office (Tamil Nadu)
Employees State Insurance Corporation
143, Sterling Road
Chennai – 600 034.

2. The Recovery Officer
Regional office (Tamil Nadu)
Employees State Insurance Corporation
143, Sterling Road
Chennai – 600 034.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Principal Labour Court, Chennai in I.A.No.3 of 2023 in O.P.Sr.No.418 of 2023 and quash its order dated 11.02.2024 and further direct the Principal Labour Court, Chennai to entertain the application filed by the Petitioner and number th emain EIOP in the light of compliance made by the petitioner.

For Petitioner	:	Mr.G.Anandgopalan for Agam Legal
Respondent	:	Mr.TNC.Kaushik Standing Counsel

ORDER

In I.A.No.3 of 2023 in O.P.Sr.No.418 of 2023, the petitioner was directed to deposit 25% of the claim amount of Rs.27,23,715/- to the respondent/Corporation on or before 15.11.2023. As the petitioner was unable to mobilize the funds, extension of one month time was sought, to deposit the same and accordingly time was extended on 20.11.2024. Even thereafter, the petitioner was unable to deposit the entire amount but was able to deposit only Rs.15,00,000/-(Rupees fifteen lakhs only).

2. According to the learned counsel for the petitioner, out of the total amount of Rs.27,23,715/-, a sum of Rs.15,00,000/- was paid within the time



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stipulated by the Court, and the balance amount of Rs.12,23,715/- was deposited on 31.01.2024, beyond the time granted by the Court. Thereafter on payment of the entire amount, though beyond the stipulated time, the petitioner filed the application to restore the appeal but the same was rejected and hence the present Writ petition.

3. The learned counsel for the petitioner states that as he has now deposited the entire amount, the appeal may be restored, giving an opportunity to the petitioner to contest the same on merits. Considering that the entire amount of Rs.27,23,715/- is already paid, I am of the view that the petitioner should be given an opportunity to contest the case on merits. Hence the order in I.A.No.3 of 2023 in O.P.Sr.No.418 of 2023 dated 11.02.2024 is set aside with the direction to the respondent to entertain the application and number the main E.I.O.P. The Writ Petition is accordingly allowed. Consequently, connected miscellaneous petition is closed. No Costs.

29.02.2024

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

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N.MALA,J.

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