



W.P.No.17348 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.17348 of 2021 and**  
**W.M.P.No.18378 of 2021**

M/s.Randstad India Private Limited,  
(Formerly M/s.Mafoi Management Consultants Ltd.)  
Registered Office,  
Randstad House,  
Old Nos.5 & 5A, New No.9,  
Pycrofts Garden Road,  
Chennai 600 006.  
Rep. by its Authorised Signatory.

... Petitioner

Vs.

1.The Recovery Officer,  
Employees' State Insurance Corporation,  
Regional Office : Telangana,  
Adarsh Nagar,  
5-9-23 Hillport Road,  
Hyderabad 500 063.

2.The Branch Manager,  
The State Bank of India,  
Uthamar Gandhi Road,  
Nungambakkam,  
Nungambakkam Branch,  
Chennai 600 034.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to act on the request of the petitioner's representation submitted vide electronic mail dated 22.06.2021 and furnish the certificate in respect of remittances made by the petitioner for the months October 2010, November 2010 and January 2011 and till such time, forbear the first respondent from proceeding any further in terms of the recovery notice dated 16.06.2021 in Proceedings No.52510519230011001.

For Petitioner : Mr.Anand Gopalan for  
M/s.Agam Legal Advocates  
For Respondents : Mr.T.N.C.Kaushik for R1  
Mr.J.Pothiraj for R2

### **ORDER**

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to act on the request of the petitioner's representation submitted vide electronic mail dated 22.06.2021 and furnish the certificate in respect of remittances made by the petitioner for the months October 2010, November 2010 and January 2011 and till such time, forbear the first respondent from proceeding any further in terms of the recovery notice dated 16.06.2021 in Proceedings No.52510519230011001.



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2. Heard Mr.Anand Gopalan, learned counsel for the petitioner, Mr.T.N.C.Kaushik, learned counsel for R1 and Mr.J.Pothiraj, learned counsel for R2 and perused the materials available on record.

3. The petitioner who is a Private Limited Company has been allotted with the establishment code under the ESI Act. Now, the petitioner has come with the claim that he has made payments pertaining to the period from October 2010 to March 2011 and his bank account also would reflect the same. However, it is claimed by the first respondent that according to his account books, the payments made for the period December 2010, February 2011 and March 2011 alone are credited and the period falling for the months October 2010, November 2010 and January 2011 have not been credited.

4. It is a simple issue where the second respondent has come to the rescue of the petitioner and the first respondent by giving a clarification about payment made by the petitioner. In the event of payment made as claimed by the petitioner for all the months between the period from



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October 2010 to March 2011, credit ought to have been made to the first respondent's account for the months October 2010, November 2010 and January 2011. The representation given by the petitioner to the first and second respondents in this regard also did not evoke any response. Hence, in such circumstances, in order to resolve the conundrum, I feel it is appropriate to direct the second respondent to give a clarification as to the claim made by the petitioner.

5. Accordingly, this Writ Petition is disposed. The second respondent is directed to give a clarification to the first respondent as to the claim made by the petitioner within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall consider the representation of the petitioner and pass orders stopping any further recovery proceedings. Until such time no coercive steps towards recovery be taken by the first respondent. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No  
Speaking / Non-speaking  
Neutral Citation : Yes / No  
gsk

**26.09.2024**



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To

WEB COPY

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**R.N.MANJULA, J.**

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