

WEB COPY

WP.No.3229 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3229 of 2021

and

WMP.Nos.2376 and 3664 of 2021

Sacred Heart Matriculation Higher Secondary school
Rep. by it Correspondent
No. 216 Anna Salai Church Park Chennai 600 006

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Labour and Employment Department
Fort St. George Chennai 600 009

2. E.S.I. - Regional Corporation (Tamil Nadu),
The Regional Director,
143 Sterling Road, Chennai 600034.

3. E.S.I. - Regional Corporation (Tamil Nadu),
The Deputy Director, Panchdeep Bhawan,
143 Sterling Road, Chennai 600034.

4. E.S.I. - Regional Corporation (Tamil Nadu),
Social Security Officer,
ESI Corporation,,Chennai 600034.

... Respondents

*[Cause title is amended as per the order of this Court dated 16.06.2025 in
W.M.P.No.6579 of 2021 in W.P.No.3229 of 2021 by (PTAJ)]*



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Prayer :- Writ Petition is filed under Article 226 of the Constitution of India Calling for the records pertaining to dated 22.10.2020 in No.51-00-107355 - 000 - 1302/Ins-8 on the file of the 2nd respondent in respect of the petitioner school and quash the same directing the respondents to consider representation of the petitioner for waiver of arrears of contribution Interest and Damages u/s 91C of ESI Act, 1948 in terms of the order dated 29.07.2020 of the Full bench of this Honble High Court in the batch of writ petitions in W.P. No. 34236 of 2019

For Petitioner : Dr.Fr.A.Xavier Arulraj,
Senior Counsel
for M/s.A.Arul Mary

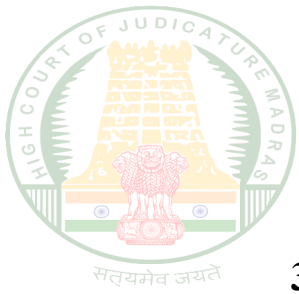
For Respondent : M/s.M.Jayanthi, AGP for R.1
: M/s.T.W.Kaushik for R.2 to R.4

ORDER

The above Writ Petition is filed for the following reliefs:-

" Calling for the records pertaining to dated 22.10.2020 in No.51-00-107355 - 000 - 1302/Ins-8 on the file of the 2nd respondent in respect of the petitioner school and quash the same directing the respondents to consider representation of the petitioner for waiver of arrears of contribution Interest and Damages u/s 91C of ESI Act, 1948 in terms of the order dated 29.07.2020 of the Full bench of this Honble High Court in the batch of writ petitions in W.P. No. 34236 of 2019."

2. Heard the learned counsel on either side.



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3. The proceedings of the 2nd respondent which is sought to be quashed is only a show cause notice demanding interest on the delayed payment of ESI contribution. The petitioner has rushed to this Court seeking to quash the same without issuing reply or filing an original petition before the ESI Court under Section 75 (1) (G) of the ESI Act.

4. Therefore, considering the fact that it is a show cause notice that is sought to be challenged, the Writ Petition is disposed of directing the petitioner to submit their explanation to the show cause notice and on such explanation being offered the same shall be considered by the 2nd respondent who shall consider the merits of the case and pass orders accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

16.06.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,



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