



WEB COPY



W.P.No.7461 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7461 of 2025

And

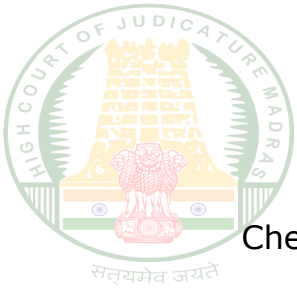
W.M.P.No.8350 of 2025

M/s.Aarveem International
Rep. by its Proprietor
C.M.Raju

... Petitioner

Vs.

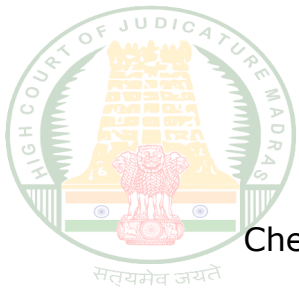
- 1.The Regional Director,
Employees State Insurance Corporation
No.143, Sterling Road,
Nungambakkam,
Chennai – 600 030.
- 2.The Deputy Director,
Employees State Insurance Corporation
No.143, Sterling Road,
Nungambakkam,
Chennai – 600 030.
- 3.The Recovery Officer
Employees State Insurance Corporation
No.143, Sterling Road,
Nungambakkam,
Chennai – 600 030.
- 4.The Manager,
Canara Bank,
Plot No.A 12 & A13,
Anna Nagar East,
II Avenue, East S.O.,



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Chennai – 600 102.

- 5.The Manager,
City Union Bank Ltd.,
46, Ground Floor, 1st Avenue,
Near Chinthamani Block F
Anna Nagar East,
Chennai – 600 102.
- 6.The Branch Manager,
ICICI Bank Limited,
A 78 Plot, 3211, 3rd Avenue,
P Block, Anna Nagar,
Chennai – 600 102.
- 7.The Branch Manager,
HDFC Bank Limited,
No.J, Ganwal Mansion,
14, 3rd Avenue, J Block,
Anna Nagar,
Chennai – 600 102.
- 8.The Branch Manager,
Karur Vysya Bank,
New No.60, Old No.45,
First Avenue, F Block,
Anna Nagar East,
Chennai – 600 102.
- 9.The Branch Manager,
Indian Overseas Bank,
No.89, 1st Main Road,
1st Avenue, Block I,
Anna Nagar East,
Chennai – 600 102.
- 10.The Branch Manager,
Axis Bank,
New No.87, Old No.17,
Plot No.3635, 3rd Avenue, J Block,
Anna Nagar East,



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Chennai – 600 102.

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11.The Branch Manager,
State Bank of India,
Indian Mutual Building,
232, NSC Bose Road,
Parry's Corner, George Town,
Chennai – 600 001.

12.The Branch Manager,
Indian Bank,
Old No.48, New No.54, 1st Avenue,
Anna Nagar East,
Chennai – 600 102.
(Opp. To Chinthamani Market)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned order of the third respondent in under Section 45-G of the ESI Act vide No.TN/RECY/45G/51000532780000108/CCR No: various claims dated 13.11.2024 and 05.12.2024 and quash the same as illegal.

For Petitioner : Mr.T.Arulselvan
For Respondents : Mr.S.K.Kannadasan for R1 to R3
Mr.R.Sreedhar for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the impugned order of the third respondent under Section 45-G of the ESI Act vide



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No.TN/RECY/45G/51000532780000108/CCR No: various claims dated 13.11.2024 and 05.12.2024 and quash the same as illegal.

2.The learned counsel appearing for the petitioner submitted that as against the petitioner establishment, the Employees State Insurance Corporation passed order under Section 45(A) of the ESI Act and challenging the same, the petitioner filed appeals in E.I.O.P.Nos.15 and 16 of 2018 before the Employees State Insurance Court (Principal Labour Court) at Chennai, by depositing 25% of the demand amount, however, the said appeals were dismissed for default. Thereafter, the petitioner filed interlocutory applications seeking to restore the appeals and to condone the delay in filing the restoration applications. The delay was condoned by the Employees State Insurance Court (Principal Labour Court) at Chennai, however, the applications seeking restoration of the appeals were not taken up. In the meanwhile, the third respondent passed the impugned orders.

3.The learned counsel appearing for the petitioner further submitted that this Court, without going into the merits of the case, may permit the petitioner to deposit another 25% of the demand amount before the Employees State Insurance Corporation and issue



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direction to the Employees State Insurance Court (Principal Labour Court) at Chennai to dispose of the applications seeking restoration of the appeals along with E.I.O.P.Nos.15 and 16 of 2018, within a reasonable time frame.

4.The learned counsel appearing for the respondents 1 to 3 submitted that this Court may issue direction to the Employees State Insurance Court (Principal Labour Court) at Chennai to dispose of the applications seeking restoration of the appeals along with E.I.O.P.Nos.15 and 16 of 2018.

5.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent and perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the respondents 5 to 12, notice to the respondents 5 to 12 is dispensed with.

6.Considering the consent view expressed by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 to 3, this Court is inclined to dispose of the writ



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petition on the following terms:

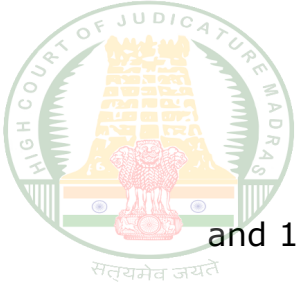
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(i)The petitioner is directed to deposit 25% of the amount mentioned in the impugned orders i.e., a sum of Rs.3,64,867/- [25% of Rs.14,59,467/- = Rs.3,64,866.75 rounded off to Rs.3,64,867/-] and a sum of Rs.3,65,643/- [25% of Rs.14,62,570/- = Rs.3,65,642.5 rounded off to Rs.3,65,643/-] before the Employees State Insurance Corporation, within a period of two weeks from the date of receipt of a copy of this order.

(ii)On receipt of the said amount from the petitioner, the Employees State Insurance Corporation is directed to defreeze the accounts of the petitioner.

(iii)The Employees State Insurance Court (Principal Labour Court) at Chennai is directed to dispose of the applications seeking restoration in I.A.Nos.2 and 2 of 2024 in E.I.O.P.Nos.15 and 16 of 2018 along with E.I.O.P.Nos.15 and 16 of 2018, after providing opportunity to the petitioner and the Employees State Insurance Corporation, within a period of three months from the date of receipt of a copy of this order.

(iv)The impugned order of the third respondent in No.TN/RECY/45G/51000532780000108/CCR No: various claims dated 13.11.2024 and 05.12.2024 are subject to the result of E.I.O.P.Nos.15



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and 16 of 2018.

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7.The writ petition is disposed of on the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

04.03.2025

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Employees State Insurance Corporation
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Chennai – 600 030.

2.The Deputy Director,
Employees State Insurance Corporation
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3.The Recovery Officer
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4.The Manager,
Canara Bank,

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