



W.P.No.6162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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and

W.M.P.Nos.6771 & 6775 of 2025

M/s.Sri Valliarasii Yarns Private Limited,
Represented by its Authorized Signatory,
Mr.K.S.Natraya Raja,
S.F.No.781/2-A, Gas Company Road,
Idigarai North,
Coimbatore – 641 022.

... Petitioner

Vs.

1.The Insurance Commissioner-Revenue,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
Comrade Inderjit Gupta (CIG Margh),
New Delhi – 110 002.

2.The Director Incharge,
Employees' State Insurance Corporation,
Sub-Regional Office,
Trichy Road, Ramanathapuram,
Coimbatore.

3.The Recovery Officer,
Employees' State Insurance Corporation,
Panchdeep Complex,
1897, Trichy Road, Ramanathapuram,
Coimbatore – 641 045.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent in Ref.No.5600107120000101/CP, dated 03.02.2025 and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.M.Nirmal Kumar
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, calling for the records of the 3rd respondent in Ref.No.5600107120000101/CP, dated 03.02.2025 and quash the same.

2. Mr.M.Nirmal Kumar, learned Standing Counsel, takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, it is company manufacturing yarns for more than 15 years and there are various department for which number of employees is engaged for the purpose. The petitioner management is covered and registered under ESI Act with Code



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No.56001071200000101 and pay contribution to the employees. Whiles,

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the 3rd respondent passed an order u/s 68 of ESI Act on 25.10.2024 to pay the commendable value of Rs.8,25,748/-. Therefore, the petitioner management sent a representation dated 03.02.2025 to the respondents 1 and 2 requesting to cancel the order dated 25.10.2024, because after Covid-19 pandemic, the business of the petitioner management is very poor and also very difficult to make monthly payments to the workers. However, without considering the facts, the 3rd respondent had erroneously passed the impugned recovery order dated 03.02.2025, directing the petitioner to pay a sum of Rs.8,25,748/-. Challenging the same, the present writ petition is filed.

4. Though very many grounds have been raised in this writ petition, at the time of arguments, learned counsel for the petitioner restricted the prayer and sought permission of this Court to remit the demand amount of Rs.8,25,748/- in 10 equated monthly installment.

5. On the above contentions, heard the learned Standing Counsel appearing for the respondents and perused the materials available on record.



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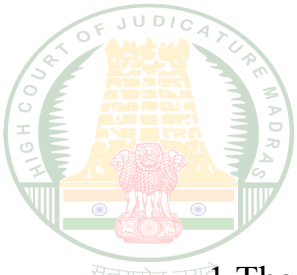
6. In view of the limited request sought for by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order, permits the petitioner to remit the entire demand amount of Rs.8,25,748/- by way of 10 installments and the petitioner is directed to pay the first installment on or before the 7th day of March, 2025 before the respondents. Further, the remaining dues shall be paid by the petitioner, by way of nine (9) equated monthly installments, on or before 7th day of every succeeding English Calendar month, starting from the month of April, 2025. If the petitioner fails to adhere to the undertaking of remitting any of the installments and commits default, it is open to the respondents to initiate appropriate action against the petitioner in accordance with law.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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