



W.P.No.5370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.5370 of 2025

and

W.M.P.No.5939 of 2025

M/s.Aero Pistons Pvt. Ltd.,
Rep. by its Managing Director,
Mr.V.P.Mohan,
57-A, 7th Street, (N.P)
Sidco Industrial Estate,
Ambattur, Chennai – 600 098.

... Petitioner

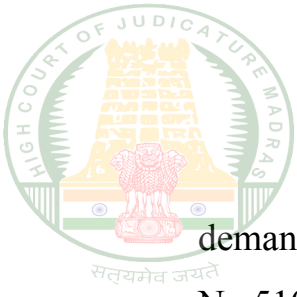
Vs.

1.The Deputy Director,
Employees' State Insurance Corporation,
143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

2.The Recovery Officer,
Employees' State Insurance Corporation,
143, Sterling Road,
Nungambakkam,
Chennai – 600 034.

... Respondents

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 order dated 22.02.2023 under reference No.Ins.VIII/51-00-087882-000-0606/C18Adhoc-858/22 issued by the 1st respondent, and the notice of



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demand dated 30.10.2024 under reference
No.51000878820000606/CP/626861CCR121573 issued by the 2nd
respondent, and quash the same as null and void.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Dr.D.Simon

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the first respondent in F.No.TR1071122501118 dated 08.03.2023 and quash the same and consequently, to direct the first respondent to return the petitioner's passport No.S1560690 dated 24.04.2018, which was seized by the second respondent at Chennai Airport on 23.11.2019.

2. Mr.D.Simon, learned counsel, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

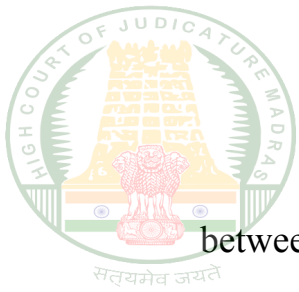
3. The case of the petitioner is that, it is a company incorporated on



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23.03.1984 under the provisions of the Companies Act and running its operations at the Sidco Industrial Estate since October 2007. From the year 2017, the petitioner had faced difficulties in its business and subsequently, due to Covid-19 restrictions and impact, the petitioner could not pay the ESI contributions in time to the department. Hence, there was a delay in payment of contribution to the ESIC between the year 2017 and 2021, thereby a show cause notice dated 07.03.2022 was issued by the 1st respondent, for which, the petitioner given the necessary explanations. However, without any further notice or demand to the petitioner, the 1st respondent had passed the impugned dated 22.03.2023 u/s 45.A of the ESI Act, directing the petitioner to pay a sum of Rs.4,42,502/-. Subsequently, the petitioner was served with notice of demand, including the impugned notice of demand dated 30.10.2024 by the 2nd respondent seeking payment of the determined amount of Rs.4,42,502/- together with interest thereof at Rs.2,90,690/-. Challenging the same, the above writ petition is filed before this Court.

4. Learned counsel for the petitioner would submit that, the petitioner had paid a sum of Rs.2,25,594/- by way of three installment towards the ESIC contributions for the delayed contribution period



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between 2017 and 2021 as per the wages paid by the petitioner, which payments have also been acknowledged by the department. However, learned counsel, on instructions, submitted that as against the impugned orders, there was an effective appeal remedy before the appropriate Court u/s 75 to 77 of the Act. Hence, he prays that this Court may permit the petitioner to approach the appropriate Court.

5. In view of the above submissions made by the learned counsel for the petitioner, this Court, without interfering with the orders impugned, grants permission to the petitioner to approach the appropriate Court u/s 75 of the Act to workout the remedy in the manner known to law, within a period of three years. Further, the period during which the present Writ Petition has been pending before this Court, shall stand excluded for the purpose of calculating limitation.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

18.02.2025

Index : Yes / No
Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No

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To

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M.DHANDAPANI, J.

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