



WEB COPY



W.P.No.8646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8646 of 2025

And

W.M.P.No.9668 of 2025

M/s.SR & Co
Rep. by its Proprietor
Mr.K.Senthil Raj Kumar
No.16G, Punniyakodiswarar Kovil Street,
Little Kanchipuram – 631 501.

... Petitioner

Vs.

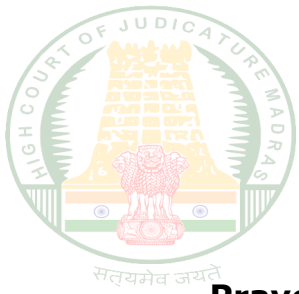
1.The Deputy Director
Employees' State Insurance Corporation
Panchdeep Bhawan,
No.143 Sterling Road,
Chennai – 600 034.

2.The Regional Officer,
Employees' State Insurance Corporation
Panchdeep Bhawan,
No.143 Sterling Road,
Chennai – 600 034.

3.The Recovery Officer,
Employees' State Insurance Corporation
Chennai.

4.The Manager,
IDBI Bank,
Kanchipuram.

... Respondents



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Prayer:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records connected to the impugned notice issued by the second respondent in No.51001237350001001/11182024313-Ins 1 dated 04.12.2024 and quash the same and consequently directing the second respondent to repay Rs.61,897/- which was withdrawn from the Firm's freezed Bank Account in A/c.No.0253102000009782 held with the fourth respondent Bank on 12.02.2025.

For Petitioner : Ms.G.Uma Maheswari
For Respondent : Mr.AG.F.Terry Chella Raja for ESI

O R D E R

Mr.AG.F.Terry Chella Raja, learned counsel takes notice on behalf of the respondents 1 to 3. Since this Court is not inclined to pass any adverse order as against the fourth respondent, notice to the fourth respondent is dispensed with. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the entire records connected to the impugned notice issued by the second respondent in



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No.51001237350001001/11182024313-Ins 1 dated 04.12.2024 and quash the same and consequently directing the second respondent to repay Rs.61,897/- which was withdrawn from the Firm's freezed Bank Account in A/c.No.0253102000009782 held with the fourth respondent Bank on 12.02.2025.

3.Though the writ petition has been filed seeking a larger relief, the learned counsel appearing for the petitioner now submitted that the petitioner is liable to pay a sum of Rs.20,727/- by way of damages under Section 85B of the ESI Act for delayed payment of the contribution. This Court may, without going into the merits of the case, permit the petitioner to remit the damages amounting to Rs.20,727/- in 2 equal monthly installments, without prejudice to their rights and contentions.

4.Considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, permits the petitioner to remit the damages amounting to Rs.20,727/-, without prejudice to their rights and contentions, in 2 equal monthly installments, commencing from 7th April, 2025 and shall pay the installments on or before 7th of every



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succeeding English Calendar month, failing which, it is open to the Employees' State Insurance Corporation to initiate appropriate action against the petitioner in accordance with law.

5.The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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M.DHANDAPANI,J.
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