



WEB COPY

WP No. 11608 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 11608 of 2023

1. M/s.Eagle Flask Industries Ltd.,
Thiru- Vi- Ka Industrial Estate, Guindy,
Chennai- 600 032.

Petitioner(s)

Vs

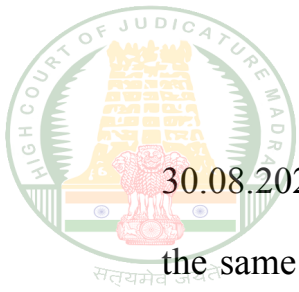
1. Regional Director,
Regional Office, Employees State
Insurance Corporation, No.143, Sterling
Road, Chennai 600 034.

2. Deputy Regional Director
Regional office, Employees State
Insurance Corporation, No.143, Sterling
Road, Chennai 600 034.

Respondent(s)

PRAYER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the entire records ending with the order dated



30.08.2022 passed by the ESI Court, Chennai in EIOP No.39 of 2012 and quash the same and consequently direct the respondents to refund the additional sum of Rs.30,718 /- to the petitioner.

For Petitioner(s): Ms. R. Reshmi for Duraikkan S. Phillips.

For Respondent(s): Mr.S.P.Srinivasan for R1 & 2

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the entire records ending with the order dated 30.08.2022 passed by the ESI Court, Chennai in EIOP No.39 of 2012 and quash the same and consequently direct the respondents to refund the additional sum of Rs.30,718 /- to the petitioner.

2.The petitioner has moved the Employees State Insurance Court(Principal Labour Court), Chennai by filing EIOP No.39 of 2012. The said Court ordered as follows:

"22.....

"In the result, this petition is allowed by setting aside the impugned order dated 27.06.2011 in TN/INS/VI/51-00-019134-000-0404. However, the respondents are directed to refund a sum of Rs.1,41,595/- to the petitioner being the balance amount, after adjusting



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the modified contribution of Rs.2,72,404.92 from the deposited amount of Rs.4,14,000/-. Hence the respondents are directed to refund a sum of Rs.1,41,595/- to the petitioner within six months from the date of receipt of this order, failing which the petitioner is entitled to have interest at the rate of 6% per annum, thereafter, till the date of realization. There is no order as to the costs.

3. Thereafter, the petitioner approached the said Court and filed a petition under Section 152 of CPC, for making amendment to the order dated 30.08.2022.

4. The learned counsel for the petitioner would submit that an arithmetical error has crept in, in the order of the Labour Court. In view of Section 152 of CPC, any arithmetical error or clerical errors can be done by the Court while passing the orders. Since such correction of errors will not amount to altering judgment, the petitioner seeks a direction to the Labour Court to entertain the returned petition.

5. In the event of any petition being filed before a Court, it is for the Court either to dismiss or allow the petition. In the event of any clarification being sought by the Court, it is for the petitioner to clarify the same. However, it appears that petitioner has not replied when the clarification was sought for.



The petitioner, without clarifying the queries raised by the Court below, has directly approached this Court. Therefore, the petitioner is at liberty to present the petition before the Labour Court by giving clarification to the objections raised by the Court below. In the event of giving explanation and reasons to the objections raised by the Court, it is for the Labour Court to dispose of the petition in accordance with law.

6. With the said observation, this Writ Petition is disposed of. No costs.

dn

(K.SURENDER,J.)

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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