



W.P. No.27436 of 2021

W.P. No.27436 of 2021
and
W.M.P. No.28954 of 2021

M. DHANDAPANI, J.

Today, the matter is listed under the caption “For Being Mentioned”, at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that though a direction has been issued for refund of the amount, the order does not specify the manner in which such refund is to be effected. Therefore, he prays for necessary rectification to Paragraph 4 of the order.

3. Learned counsel for the respective respondents submitted that they have no objection to such rectification.

4. In view of the stand taken by learned counsel on either side, paragraph 4 of the order stands substituted as follows:

4. Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the



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merits of the case, permits the petitioner to produce necessary proof with regard to the payment made by the petitioner towards ESI and EPF contribution for the employees employed for the above contract to the second respondent. Upon receipt of such proof, the second respondent shall hear the ESI and EPF authorities and after ascertaining the genuineness, shall refund the amount deducted back, to the petitioner in accordance with law, as expeditiously as possible.

5. Except for the above modification, the remaining part of the order dated 13.10.2025 shall stand unaltered.

6. Registry is directed to issue fresh order copy to the learned counsel for the parties.

11.11.2025

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W.P. No.27436 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27436 of 2021

And

W.M.P.No.28954 of 2021

M/s.Tharu and Sons
Represented by its
Managing Partner
Mr.Antony

... Petitioner

Vs.

- 1 Union of India
Represented by its Principal Chief Medical Director,
MMC Complex, 4th Floor,
Southern Railway,
Park Town, Chennai - 600 003.
- 2 The Chief Medical Superintendant,
Chennai Division Southern Railway
Egmore Chennai- 600 008.
- 3 The Divisional Railway Manager
NGO Annex, 1st Floor, Chennai Division,
Southern Railway,
Park Town,
Chennai - 600 003.
- 4 The Regional Director
ESIC Regional Office,
No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

- 5 The Central Provident Fund Commissioner,



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Employees Provident Fund Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.

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(R4 and R5 are suo motu impleaded
as per order dated 18.09.2024 in
WP.27436/2021 by MDIJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the impugned letter dated 17.07.2020, impugned order in No.M/MD/52/CCC/NBK/COL dated 18.10.2021 and M/MD.52/CCC/NBK/COL dated 18.10.2021 received through email on 01.12.2021 issued by the second respondent and quash the same in so far as deducting the amount of 13.15% for EPF from 11/09/2019 till date continuously and 4.75% for ESI in the running bill for the billing period from 11/09/2019 to 31/01/2020 and consequently direct the respondents herein to release the deducted amount of 13.15% for EPF from 11/09/2019 till date and pay the same continuously and 4.75% for ESI in the running bill for the billing period from 11/09/2019 to 31/01/2020 to the petitioner together with interest at the rate of 24% from 11/09/2019 till the date of realization.

For Petitioner : Mr.K.Raja
For Respondents : Mr.P.T.Ramkumar for R1 to R3
Mr.G.Bharadwaj for R4
Mr.Vishnu Ramu for R5

ORDER



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This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the impugned letter dated 17.07.2020, impugned order in No.M/MD/52/CCC/NBK/COL dated 18.10.2021 and M/MD.52/CCC/NBK/COL dated 18.10.2021 received through email on 01.12.2021 issued by the second respondent and quash the same in so far as deducting the amount of 13.15% for EPF from 11/09/2019 till date continuously and 4.75% for ESI in the running bill for the billing period from 11/09/2019 to 31/01/2020 and consequently direct the respondents herein to release the deducted amount of 13.15% for EPF from 11/09/2019 till date and pay the same continuously and 4.75% for ESI in the running bill for the billing period from 11/09/2019 to 31/01/2020 to the petitioner together with interest at the rate of 24% from 11/09/2019 till the date of realization.

2.The learned counsel appearing for the petitioner submitted that the petitioner entered into contract with the respondents 1 to 3

for the period from 11.09.2019 to 09.09.2023 to undertake comprehensive cleaning of Sterling Road Colony, Pycrofts Colony, Rostover Colony, Chennai Egmore Colony and Mathew Colony at a total value of Rs.14,65,09,622.36/- plus GST @ 18% i.e., Rs.2,63,71,732.02/- for four years and the contract was reduced to writing and signed by both parties on 06.02.2020 and the said contract is a lumpsum contract. The



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learned counsel further submitted that the impugned orders were issued on the sole ground that the petitioner did not produce ESI and EPF receipts. Hence, this Court may, without going into the merits of the case, permit the petitioner to produce the receipts with regard to the payment made by the petitioner towards ESI and EPF contribution to the second respondent and issue direction to the second respondent to refund the amount deducted to the petitioner after hearing the ESI and EPF authorities.

3.The respective learned counsel appearing for the respondents 4 and 5 raise no serious objection.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any

opinion on the merits of the case, permits the petitioner to produce necessary proof with regard to the payment made by the petitioner towards ESI and EPF contribution for the employees employed for the above contract to the second respondent. Upon receipt of such proof, the second respondent shall hear the ESI and EPF authorities and after ascertaining the genuineness, shall refund the amount deducted from the petitioner, to the petitioner, as expeditiously as possible.



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5.This writ petition is disposed of. No costs.

Consequently,

connected miscellaneous petition is closed.

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13.10.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1 Union of India
Represented by its Principal Chief Medical Director,
MMC Complex, 4th Floor,
Southern Railway,
Park Town, Chennai - 600 003.
- 2 The Chief Medical Superintendent,
Chennai Division Southern Railway
Egmore Chennai- 600 008.

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- 3 The Divisional Railway Manager
NGO Annex, 1st Floor, Chennai Division,
Southern Railway,
Park Town,
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- 4 The Regional Director
ESIC Regional Office,
No.143, Sterling Road,
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- 5 The Central Provident Fund Commissioner,
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