



W.P.(MD) No.4243 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.4243 of 2025

and

W.M.P.(MD) Nos.3043 & 3044 of 2025

M/s.Madura Coats Private Limited
Papanasam Mill Post
Ambasamudram
Triunelveli District-627 422
through its HR BP-India Manufacturing
S.Inbaraj

... Petitioner

-vs-

1.The Deputy Director
Employees State Insurance Corporation
Sub-Regional Office
Panchdeep Bhavan
ESI Complex
Salai Street, Vannarpettai
Tirunelveli-627 003

2.The Recovery Officer
Employees State Insurance Corporation
Sub-Regional Office
Panchdeep Bhavan
ESI Complex
Salai Street
Vannarpettai
Tirunelveli-627 003

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the respondent culminating in order in letter No.66/00/045244/000/0999/RRC/SRO/TLI, dated 05.03.2024 and consequential order in No.66/000/45244/000/0999/RRC/SRO/TLI, dated 17.07.2024, issued by the second respondent and quash the same.

For Petitioner : Mr.T.Ravichandran

For Respondents : Mr.I.Pinaygash

ORDER

This writ petition has been filed by the petitioner – Company aggrieved by the notice bearing No.66/00/045244/000/0999/RRC/SRO/TLI, dated 05.03.2024, issued by the first respondent, whereby the petitioner – Company was required to pay a sum of Rs.73,70,443/- under Sections 45-C to 45-I of the Employees' State Insurance Act, 1948 and intimating them that incase they fail to pay the said amount, the respondent – ESI Corporation would resort to attachment and sale of movable or immovable properties of the petitioner – Company.



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2. According to the petitioner – Company, the amounts, which are claimed under the impugned notice, are not due from them, but the same was due from its Contractor, who worked under them and whose contract was terminated in the year 2022 itself and therefore, the petitioner – Company is noway responsible for the said amount.

3. This matter earlier came up for consideration on 19.02.2025 and it was adjourned for getting instructions by Mr.I.Pinaygash, learned counsel appearing for the respondent – ESI Corporation.

4. Today, learned counsel appearing for the respondent – ESI Corporation submitted that the impugned notice is not an attachment notice and the petitioner – Company is at liberty to submit its explanation together with supporting documents and if such representation is made by the petitioner – Company, the same would be considered by the respondent – ESI Corporation and if the petitioner- Company is found not liable to pay the amount claimed under the impugned notice, the impugned notice would be withdrawn.



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5. In the light of the above, this writ petition is disposed of permitting the petitioner – Company to submit reply to the impugned notice to the respondent – ESI Corporation within a period of two weeks from today and in case, the petitioner – Company submits reply within the said stipulated period, the respondent – ESI Corporation shall consider the same in accordance with law and pass appropriate orders. Till such orders are passed, the respondent – ESI Corporation shall not take any coercive action against the petitioner – Company. No costs. Consequently, connected miscellaneous petitions are closed.

24.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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