



W.P.(MD).No.15673 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15673 of 2025

and

W.M.P(MD) Nos.11908 and 11910 of 2025

M/s.Vamsam Fertility Centre,
Represented by its Proprietor/
Managing Director,
Dr.D.Silambuchelvi,
Having its registered Office at
South Bye Pass Road,
Tirunelveli.

... Petitioner

Vs.

The Recovery Officer,
Employees' State Insurance Corporation,
Panchadeep Bhawan,
ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli – 627 003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling of records for the impugned notice Ref.No.6600044298001401/CP/660463, dated 15.05.2025, issued by the respondent under Sections 45 C to 45 I of the ESI Act, 1948 and quash the same as illegal and consequently direct the



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respondent to provide an opportunity of personal hearing to the petitioner before initiating any proceedings for determination and recovery of dues under the ESI Act.

For Petitioner : Ms.M.Anantha Devi

For Respondent : Mr.I.Pinaygash
Standing Counsel

ORDER

The Management of Fertility Centre has filed the present Writ Petition challenging the notice issued for recovery under the Employees' State Insurance Act, on the ground that the order under Section 45-A of the Employees' State Insurance Act, was not communicated.

2. The learned Standing Counsel appearing for the respondent/ Corporation submits that an order was passed under Section 45-A of the Employees' State Insurance Act on 21.08.2024 and it was also communicated to the petitioner Management. Considering the fact that a statutory appeal lies before the appellate authority under Section 45-AA of the Employees' State Insurance Act, this Court is not inclined to entertain the writ petition challenging a consequential recovery order.



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3. In view of the above said facts, this Writ Petition stands disposed of with liberty to the petitioner to file an appeal before the competent authority. In case, if any appeal is filed, the period between 09.06.2025 and the date of receipt of a copy of this order shall stand excluded for calculating the period of limitation. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

16.06.2025

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

To

The Recovery Officer,
Employees' State Insurance Corporation,
Panchadeep Bhawan,
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