



W.P(MD)No.15896 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15896 of 2024

and

W.M.P(MD)No.13828 of 2024

M/s.Tycoon Holidays Private Limited,
Represented by its Director,
K.Vasanth.

... Petitioner

Vs.

1.The Deputy Director (Rev.II),
Employees State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai-625 020.

2.The Recovery Officer,
Employees State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, restraining the respondents from any way taking coercive steps to recovery of ESI contribution from the petitioner's establishment on the guise of proceedings issued by the first respondent without following due process of law and by considering the representation of the petitioner, dated 17.04.2024.



W.P(MD)No.15896 of 2024

WEB COPY

For Petitioner : M/s.W.Pamelin

For Respondents : Mr.I.Pinaygash

ORDER

The present writ petition has been filed by the employer seeking a Mandamus restraining the authorities under the Employees' State Insurance Act, 1948, from taking coercive steps to recovery ESI contribution from the petitioner's Establishment without following due process of law.

2. A perusal of the records reveal that the petitioner Company has suffered an order under Section 45-A of the ESI Act on 10.03.2023 and the order has been served upon them on 25.03.2023. Without challenging the said order, the present writ petition seeking a Mandamus forbearing the authorities from enforcing the said order is not maintainable.

3. The learned Counsel appearing for the petitioner submitted that, liberty may be granted to the petitioner Company to challenge the order passed under Section 45-A of the ESI Act. In case, if any appeal is preferred on or before



W.P(MD)No.15896 of 2024

08.08.2025, the same shall be entertained without any reference to the period of limitation.

4. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.07.2025

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

To

1.The Deputy Director (Rev.II),
Employees State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai-625 020.

2.The Recovery Officer,
Employees State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai-625 020.



WEB COPY



W.P(MD)No.15896 of 2024

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.15896 of 2024

03.07.2025