



WP(MD)No.34112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP(MD)No.34112 of 2025 and
WMP(MD)No.26952 of 2025**

Jayamatha Engineering College,
Rep by its Trustee R.Johnsel Raja,
Thirurajapuram, Muppandal,
Aralvaimozhi – 629 301,
Kanyakumari District.

...Petitioner

Vs

1.ESI Corporation,
Represented by its Joint Director,
Sub Regional Office,
Salai Street, Vannarpettai,
Tirunelveli – 627 003.

2.Recovery Officer,
ESI Corporation,
Sub Regional Office,
Salai Street, Vannarapettai,
Tirunelveli – 627 003.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating the impugned order dated 29.10.2025 passed by the ESI Court (Labour court), Tirunelveli in IA.No.01 of 2025 in ESIOP SR.No.1083 of 2025 and quash the same as illegal insofar as it relates to the direction to



WP(MD)No.34112 of 2025

deposit 10% amount of Rs.8,16,121/- before the respondent corporation is concerned and consequently direct the petitioner permitting it to deposit the said amount of Rs.8,16,121 before the ESI court, Tirunelveli to the credit of IA.No.01 of 2025 in ESIOP SR.No.1083 of 2025 pending on the file of the ESI Court (Labour Court), Tirunelveli in two equal monthly installments within the period that may stipulated by this court.

For Petitioner : Mr.M.E.Ilango

For Respondent : Mr.I.Pinayagash
No.1

ORDER

The petitioner college is an unaided minority educational institution, registered under ESI Act. The first respondent / the authority under the ESI Act on 28.12.2023, has passed an order under Section 45 A of the ESI Act, demanding the petitioner institution to pay contribution to the tune of Rs.81,61,205/-. Aggrieved over the same, the petitioner has filed an application before the ESI Court, Tirunelveli and the same is pending in ESIOP SR.No.1083 of 2025. The ESI Court, by its order dated 29.10.2025 in IA.No.1 of 2025 in ESIOP SR No.1083 of 2025, partly allowed the interim application filed by the petitioner, with a direction to deposit 10% of the amount as claimed by the respondent



WP(MD)No.34112 of 2025

corporation within 10 days from the date of the order to the ESI Corporation. The petitioner has moved this writ petition as against the direction to deposit this 10% of the amount before the ESI Corporation.

2.The learned counsel by referring to the provision under Section 75(2B) of the ESI Act submits that the deposit amount, if any, has to be made only before the ESI Court and not before the ESI Corporation. However, the ESI Court has directed the petitioner to pay 10% of the amount before the ESI Corporation, instead of ESI Court.

3.Considering the limited scope of the writ petition, this court has directed the learned counsel for the ESI corporation to get instructions from the respondent ESI Corporation. Now the learned for the respondent ESI corporation fairly submits that as per the provisions under Section 75(2B) of the ESI Act the amount, if any, directed to be deposited pending appeal, has to be deposited only before the Court and not before the ESI Corporation and the same is extracted as under:



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WP(MD)No.34112 of 2025

“75. Matters to be decided by Employees'

Insurance Court.

(2B) No matter which is in dispute between a principal employer and the Corporation in respect of any contribution or any other dues shall be raised by the principal employer in the Employees' Insurance Court unless he has deposited with the Court fifty per cent. of the amount due from him as claimed by the Corporation.”

4. In view of the above, this writ petition is allowed and the petitioner is permitted to deposit the amount as directed in the impugned order before the ESI Court, instead of ESI corporation, within a period of three weeks from the date of receipt of a copy of this order.

5. The impugned order is modified to the extent above and the rest of the impugned order shall stand confirmed. No costs. Consequently connected miscellaneous petition is closed.

28.11.2025

DSK



WP(MD)No.34112 of 2025

To

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- 1.The Presiding Officer,
ESI Court (Labour court), Tirunelveli.
- 2.The Joint Director,
ESI Corporation, Sub Regional Office,
Salai Street, Vannarpettai,
Tirunelveli – 627 003.
- 3.Recovery Officer,
ESI Corporation,
Sub Regional Office,
Salai Street, Vannarapettai,
Tirunelveli – 627 003.



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WP(MD)No.34112 of 2025

B.PUGALENDHI.J.,

DSK

WP(MD)No.34112 of 2025

28.11.2025