



W.P.(MD)No.34886 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.34886 of 2025

and

W.M.P.(MD)No.27600 of 2025

Excel Containers (P) Ltd.,
Rep. by its Managing Director,
Mohan,
CS/5, State Bank Road,
SIDCO Industrial Estate,
Kappalur, Madurai - 625 008.

... Petitioner

-VS-

The Deputy Director,
Sub Regional Office,
Employees State Insurance Corporation,
K.K.Nagar, Madurai – 625 020.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 29.10.2025 and thereby direct the respondent to conduct personal hearing under Section 45A of E.S.I Act against the time barred recovery proceedings initiated by the respondent with regard to ESI contribution of petitioner's Company.



WEB COPY



W.P.(MD)No.34886 of 2025

For Petitioner : Mr.M.Pandiarajan

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 29.10.2025 and thereby direct the respondent to conduct a personal hearing under Section 45A of the E.S.I. Act, in respect of the time-barred recovery proceedings initiated by the respondent with regard to the ESI contribution of the petitioner-Company.

2. With the consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. The grievance of the petitioner is that the petitioner-Company was closed way back in the year 2013, and the employees of the Company who were employed till 2013 resigned from their work. The petitioner-Company had



W.P.(MD)No.34886 of 2025

intimated the closure of ESI contribution to the respondent on 16.07.2014.

Despite the same, the respondent issued a letter seeking recovery of dues from the petitioner-Company after its closure.

5. The learned counsel for the petitioner submits that after 12 years of closure of the Company and without affording an opportunity of being heard, the intimation letter was issued regarding recovery of dues.

6. In the peculiar facts of the present case, wherein the recovery of dues has been sought by the respondent, this Court deems it appropriate to direct the respondent to give an opportunity to the petitioner to set forth their version.

7. The Writ Petition stands disposed of with a direction to the respondent to consider the representation of the petitioner dated 29.10.2025 and pass appropriate orders on the same on merits and in accordance with law within four weeks in the light of the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No

(K.SURENDER, J.)
02.12.2025



W.P.(MD)No.34886 of 2025

To:-
WEB COPY

The Deputy Director,
Sub Regional Office,
Employees State Insurance Corporation,
K.K.Nagar, Madurai – 625 020.



WEB COPY



W.P.(MD)No.34886 of 2025

K.SURENDER, J.

smn2

W.P.(MD)No.34886 of 2025

02.12.2025