



W.P.(MD)Nos.31517 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.31517 of 2024

and

W.M.P.(MD)No.26397 of 2024

Rajas International Institute of Technology for Women,
Raj Nagar, Ozhuginasery,
Nagercoil – 629 001.
Rep. by its Chariman,
Dr.Joy Raja, S/o. S.A.Raja,
Raj Bhavan, Therekalputhur,
Nagercoil – 629 001.

... Petitioner

Vs.

1.The Deputy Director,
Sub-Regional Office,
Employee's State Insurance Corporation,
ESIC Complex, Salai Street,
Vannarapettai,
Tirunelveli.



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2.The Recovery Officer,
Sub-Regional Office,
Employee's State Insurance Corporation,
ESIC Complex, Salai Street,
Vannarapettai,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to waive the accrued interest of Rs.7,74,816/- under Section 91-C of the ESI Act, in pursuant to the demand notice dated 11.11.2024 in reference Nos. 66000403890001304/CP/627351 and 66000403890001304/CP/627358 by considering the petitioner's representation dated 27.11.2024

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.C.Karthik

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the first respondent to consider the representation dated 27.11.2024 said to have



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been submitted by the petitioner seeking waiver of interest amount of Rs.7,74,816/- under Section 91-C of the ESI Act. The said amount is stated to have been demanded through notices bearing reference Nos. 66000403890001304/CP/627351 and 66000403890001304/CP/627358, dated 11.11.2024. Immediately thereafter, the petitioner claims to have submitted a representation dated 27.11.2024.

2. According to the learned counsel appearing for the respondents, the respondents have not taken any decision on the representation submitted by the petitioner. Further, it is contended that the petitioner is not entitled for such waiver as the original orders were passed under Section 45(A) of the ESI Act and the said orders have attained finality.

3. Be that as it may, as the representation made by the petitioner is still pending and no orders appears to have been passed by the respondents, this Court is of the considered view that this Court instead of examine the matter on merits, it would be appropriate to direct the respondents to consider the said representation.



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4. In the light of the above, this Writ Petition is disposed of directing the respondent No.1 to consider the representation dated 27.11.2024 submitted by the petitioner seeking waiver of interest as noted above and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

07.02.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm



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MUMMINENI SUDHEER KUMAR, J.

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