



WEB COPY

WP No. 11694 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11694 of 2026

and

WMP.No.12758 of 2026

M/s.P.Ravi kumar contractor
3/393, New No.3/221, south Street,
Puthur post, Attur Tk,
Salem District-636 112

..Petitioner(s)

Vs

1. The Assistant Director
Employees State Insurance Corporation
39/57, Therthamalai Vaniga Vakagam,
Three Roads, Salem-636 009
2. The Recovery Officer
Employees State Insurance Corporation (Sub
Regional office)
39/57, Therthamalai Vaniga Vakagam,
Three Roads, Salem 636 009

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the order passed in Proceeding dated 05.02.20215 No.63000737850001001/ SRO/ SLM/ 257/ 14 under Section 45A of the Employees state Insurance Act and quash the same and direct the 1st respondent to conduct a fresh enquiry under Section 45 of the Employees State Insurance Act (presently Sec 125 of the code on Social Security, 2020) providing adequate opportunity to the petitioner.



For Petitioner(s):

Mr. Anand Gopalan
for Advit Law Chambers

For Respondent(s):

Mr. Bharathwaj

ORDER

The order passed by the first respondent in Proceeding dated 05.02.20215 No.63000737850001001/ SRO/ SLM/ 257/ 14 under Section 45A of the Employees State Insurance Act, is put under challenge in the present Writ Petition. Consequently, the petitioner has sought for a direction to the first respondent to conduct a fresh enquiry under Section 45 of the Employees State Insurance Act [ESI Act] (presently Section 125 of the Code on Social Security, 2020) providing adequate opportunity to the petitioner.

2. Heard the learned counsel appearing on either side. With the consent of both sides, the present Writ Petition is taken up for hearing at the admission stage itself.

3. It is the case of the petitioner that the petitioner started a proprietary concern in the year 2006 and had obtained registration from the Commercial Taxes Department on 09.01.2007 for carrying civil labour contract services for erection of towers and laying cables for companies in and around Salem District. On 28.02.2009, he was appointed as an Assistant Agricultural Officer in the Agricultural Department of the State Government due to which he closed



his concern on 31.03.2009 and the said registration of his concern was also cancelled on 14.09.2010. While so, the first respondent issued notices to the old company address and passed an order dated 05.02.2015 under Section 45A of the ESI Act determining contribution liability of Rs.6,39,925/- for the period from 01.04.2009 to 31.07.2014. In this regard, the petitioner made a representation to the first respondent about the closure of his establishment along with the cancellation order of the Commercial Taxes Department on 31.03.2009. Thereafter, no communication from the respondents and after lapse of ten years, the second respondent issued a recovery notice dated 27.05.2025 seeking recovery of the alleged dues without any notice and hence, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner is ready to pay the entire contribution liability before the Appellate Authority/ the first respondent, within a period of two weeks. He further submitted that there may be a direction to the first respondent to dispose of the appeal filed by the petitioner within a period of six weeks.

5. Per contra, the learned counsel appearing on behalf of the respondents has no objection.



6. In view of the above, the petitioner is directed to deposit the contribution liability amount as sought for by the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on such deposits, the first respondent shall lift the attachment ordered by him on the petitioner. Further, the first respondent is directed to dispose of the appeal dated 02.04.2015 filed by the petitioner, within a period of 12 weeks therefrom.

7. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DP

To

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2. The Recovery officer
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M.DHANDAPANI, J.

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