



WEB COPY

W.P.No.18862 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM:

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.18862 of 2026
and W.M.P.No.20139 of 2026

M/s.Karthic Hospital
Rep. by its Proprietor, DR.P.Balakrishnan,
No.727 to 730, T.H.Road,
S.R.Nagar, Thiruvottiyur,
Chennai - 600019.

..Petitioner

Vs

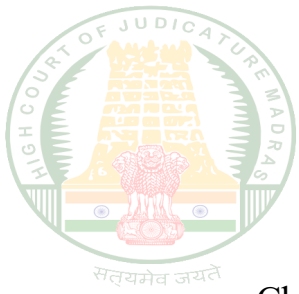
1. The Assistant Director
ESI Corporation,
No.143, sterling road,
Chennai – 600034
2. The Recovery Officer,
ESI Corporation,
No.143, Sterling road, Chennai - 600034

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records and to quash the Impugned order in Reference.NO.tn/recy/ec-15/51001030310001401/CCR.NO Various claim dated 02.03.2026 of the 2nd respondent and consequently direct the respondents to issue the 45A Notice with the proper reasons of delay.

For Petitioner: Mr.C.Kanagaraj

For Respondents: Mr.A.G.F.Terry Chella Raja



ORDER

Challenging the impugned recovery notice passed by the 2nd respondent in

Reference No.TN/RECY/EC-115/51001030310001401/CCR NO: Various Claim, dated 02.03.2026 for Rs.3,88,686/-, the present writ petition is filed before this Court.

2. The brief facts of the case are as under:

The petitioner's wife viz.Mrs.Gnanasoundari was running a Hospital in the name of M/s.Karthic Hospital and the petitioner was acting as a Consultant in the same. The above Hospital was being run with less than 10 employees and the petitioner was under the bonafide belief that the said hospital was not covered under the purview of the Employees' State Insurance (E.S.I.) Act, 1948 and therefore, not liable to pay any contribution towards the E.S.I. Act. Subsequently, the petitioner received the impugned recovery notice in Reference No.TN/RECY/EC-115/ 51001030310001401/CCR NO: Various Claim dated 02.03.2026 from the second respondent stating that the petitioner has to pay the contribution amount of Rs.3,88,686/- for the period from April 2012 to March 2019, i.e. from 09/2012 to 10/2013, 12/2013 to 01/2014, 02/2014 to 03/2014, 04/2018 to 03/2019. Moreover, it has been mentioned that the aforesaid contribution amount should be paid within a period of 15 days from the date of receipt of the summons, failing which, the sum shall be



recovered under the provisions of Section 45 C to 45 I of the E.S.I. Act, 1948.

Aggrieved against the same, the petitioner has filed the present writ petition.

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3. The only ground raised by the learned counsel appearing for the petitioner is that any order passed under Rule 83 read with Section 45 C to 45 I of E.S.I.Act, has to initially precede with the issuance of Section 45 A notice of the Act, which has not been followed in the case of the petitioner. Further, he submitted that there is an Amnesty Scheme floated by the respondent/Department, using which, the petitioner shall be benefitted monetarily and therefore, seeks the liberty of this Court to avail the same.

4. Learned counsel for the respondents admitted that a notice was served upon the petitioner under Section 45 C of the Act and in the same, the petitioner has been summoned to appear before the Recovery Officer in person.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.

6. The impugned summons, dated 02.03.2026 has been issued directing the petitioner to appear before the Recovery Officer and to produce his sufficient evidence. In view of the above facts and circumstances of the case,



this Court deems it appropriate to direct the petitioner to appear before the Recovery Officer with the relevant records, within a period of three(03) weeks from today, i.e. 04.06.2026. It is also made clear that the date of the petitioner's appearance shall be intimated by the respondents prior to one week in advance to the petitioner.

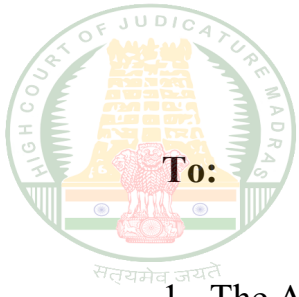
7. With regard to the submission made by the learned counsel for the petitioner about the existence of Amnesty Scheme floated by the respondent/ Department, this Court is of the opinion that, if at all the petitioner meets the eligibility criteria of the said Scheme, the same shall be considered by the Department.

8. With these observations, the Writ Petition stands Closed. No costs. Consequently, connected miscellaneous petition stands closed.

04-06-2026

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

sts



To:

1. The Assistant Director
ESI Corporation,
No.143, Sterling road,
Chennai – 600034.
2. The Recovery Officer,
ESI Corporation,
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K.SURENDER J.,

sts

Order made in
W.P.No.18862 of 2026

Dated:
04-06-2026