



WEB COPY

CRP No. 4583 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRP No. 4583 of 2023
and C.M.P.No.27411 of 2023**

Tamil Nadu College of Engineering,
Palanisame Ravi Nagar,
Karumathampatty,
Coimbatore - 641 659.

..Petitioner

Vs

1. The Deputy Director,
The Employees State Insurance Corporation,
Trichy Road, Ramanathapuram,
Coimbatore - 45.
2. The Recovery Officer,
The Employees State Insurance Corporation,
Trichy Road, Ramanathapuram,
Coimbatore - 45.
3. The Branch Manager,
Karur Vysya Bank,
SF.No.272/1, Karumathampatti Main Road,
Somanur, Coimbatore - 641 668.
4. The Branch Manager,
Canara Bank, Kaniyur Branch,
Park Engineering College Campus,
Kaniyur, Coimbatore - 641 659.

..Respondents

Prayer: Civil Revision Petition filed under Section 227 of Constitution of India praying to set aside the order passed in I.A.No.3/2022 in ESIOP CFR No.4671/2022 dated 31.05.2023 of the Principal Labour Court, Coimbatore and allow the Civil Revision Petition.



For Petitioner:

Mr.M.Elanchezhian

For Respondents:

Mr.S.P.Srinivasan for R1 & R2

Mr.A.Arun Babu for R3

Mr.M.L.Ganesh for R4

ORDER

The Civil Revision Petition is filed aggrieved by the order dated 31.05.2023 made in I.A. No.3 of 2022 in ESIOP CFR No.4671 of 2022.

2. The interlocutory application was filed under Section 5 of the Limitation Act, 1963 to condone the delay of 84 days in filing the above ESIOP. The petitioner is aggrieved by the contribution assessed by an order dated 30.08.2019 passed in exercise of the powers under Section 45-A of the Employees' State Insurance Act (ESI), 1948. The three-year period of limitation would expire on 30.08.2022. The petitioner filed the ESIOP on 28.11.2022 with a delay of 84 days and therefore, filed the above application. The application was resisted by the respondent Corporation by filing a counter affidavit. Thereafter, the Employees' State Insurance (ESI) Court, taking note of the fact that the period of limitation prescribed is three years and that Section 5 of the Limitation Act, 1963 is not applicable to the ESI Court, held that the application for condonation of delay is not maintainable and dismissed I.A. No.3 of 2022 and consequently rejected the ESIOP. Challenging the same, the petitioner is



before this Court.

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3. The learned counsel appearing for the petitioner would submit that even though the ESI Court may be right in holding that the interlocutory application has not maintainable, the ESIOP ought not to have been rejected since the last date of limitation, i.e., 30.08.2022, fell during the COVID-19 pandemic. The period of limitation falling during the said period stood extended by the Hon'ble Supreme Court by a series of orders in Suo Motu Writ Petition (C) No.3 of 2020 and therefore, the ESIOP has to be treated as having been filed within the period of limitation.

4. The learned counsel appearing for the first and second respondents Corporation would submit that the said ground was not raised before the trial Court and in any event, the petitioner has filed the application belatedly.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. Admittedly, the period of limitation expired during the COVID-19 pandemic, which is covered by the judgment of the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020. Wherever the period of limitation expired during the said period, the same stood extended by the orders of the



Hon'ble Supreme Court. Therefore, in the present case, it is not a question of condonation of delay or exercise of power under Section 5 of the Limitation Act, the ESIOP filed on 28.11.2022 has to be treated as having been filed within the period of limitation. Since it relates to a question of law, the same can be raised before this Court also. I find no reason as to why the case of the petitioner should not be covered by the judgment of the Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No.3 of 2020*.

7. Accordingly, this Civil Revision Petition is *disposed of* on the following terms:

(i) The impugned order dated 31.05.2023 passed by the learned Principal Labour Court, Coimbatore, under the ESI Act, is set aside.

(ii) I.A.No.3 of 2022 shall stand dismissed as unnecessary and not maintainable. The ESIOP CFR No.4671 of 2022 is held to be within time in view of the extension of limitation granted by the Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No.3 of 2020* and the Court concerned is directed to take the ESIOP on file in the manner known to law and deal with the same on merits and in accordance with law.

(iii) The ESI Court shall dispose of the same as expeditiously as possible.



8. At this juncture, the learned counsel for the petitioner submitted that an amnesty scheme has been introduced by the Corporation and the petitioner's case also falls within the ambit of the said scheme. If the petitioner's case falls within the scheme, it will be open for the petitioner to make an application under the said scheme and the authority concerned shall consider and dispose of the same in accordance with law. If the petitioner's case is covered under the amnesty scheme, the outcome shall also be reported before the trial Court. No costs. Consequently, connected C.M.P.No.27411 of 2023 is closed.

19-02-2026

Neutral Citation: Yes/No

NSL

To

1. The Deputy Director,
The Employees State Insurance Corporation, Trichy Road,
Ramanathapuram,
Coimbatore - 45.

2. The Recovery Officer,
The Employees State Insurance Corporation, Trichy Road,
Ramanathapuram,
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D.BHARATHA CHAKRAVARTHY, J.

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