

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 4040 OF 2026



Between:

M/s Acharya EM & TM School, (Dayaseervadam Educational Society), Rep. by its Secretary, Varikuti Pratap, S/o. Aseeravadam, R/o. D.No. 2-65/B, Harijanawada, Lopudi, Musunuru Mandal Eluru District, Andhra Pradesh-521213.

Petitioner

AND

1. The Union of India, Rep., by its Principal Secretary, Ministry of Labour and Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi-110011.
2. The Employees State Insurance Corporation, Rep. by its Assistant Director, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.
3. The Revenue Recovery Officer, the Employees State Insurance Corporation, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.
4. The State Bank of India, Rep., by its Branch Manager, Akkireddigudem Branch (Code-04699), Chekkapally Village, Musunuru Mandal, Eluru District, Andhra Pradesh-521213.

Respondents

WHEREAS the above named Petitioner through his Advocate Sri Vinod Kumar Pemmasani presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the

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affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the demand notice dated 28.03.2023 issued by the 2nd respondent under Section 45-A of the Employees State Insurance Act, 1948, and the consequential proceedings bearing No. AP/ROA/JA/RRO/Q/62000364460001 399 dated 29.10.2025 issued by the 3rd respondent under Section 45G(3)(x) of the said Act, for recovery of an amount of Rs. 4,66,016/-, inclusive of recovery charges and interest calculated as on 28.10.2025, by attaching the petitioners bank account maintained with the 4th respondent, without proper verification of records and without considering the petitioners representation dated 10.12.2025, and are therefore illegal, arbitrary, violative of the principles of natural justice, contrary to the provisions of the Employees State Insurance Act, 1948, and unconstitutional and consequently direct the respondents forthwith not to insist for adhoc amounts by setting aside the Respondent No.3s proceedings No. AP/RO/VJA/RRO/Q/62000364460001399 dated 29.10.2025.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Vinod Kumar Pemmasani Advocate for the Petitioner and of Sri P. Ponna Rao, Deputy Solicitor General of India for Respondent No.1, directed issue of notice to Respondents No.2 to 4 herein returnable in three (03) weeks to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Assistant Director, Employees State Insurance Corporation, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.
2. The Revenue Recovery Officer, the Employees State Insurance Corporation, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.

3. The Branch Manager, State Bank of India, Akkireddigudem Branch (Code-04699), Chekkapally Village, Musunuru Mandal, Eluru District, Andhra Pradesh-521213.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the Respondent No.3's proceedings No. AP/ROA/JA/RRO/Q/ 62000364460001399 dated 29.10.2025, Pending disposal of WP No.4040 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.2 to consider the petitioner representation dated 10.12.2025, Pending disposal of WP No.4040 of 2026, on the file of the High Court.

The Court made the following: ORDER

“Notice before admission, returnable in three (3) weeks.

Learned Dy. Solicitor General takes notice for respondent No. 1.

Issue notice to respondent Nos.2 to 4.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.2 to 4 by Speed Post/RPAD and file proof of service before the Registry within a period of three (3) weeks.

The present Writ Petition is filed questioning the demand notice dated 28.03.2023 issued by 2nd respondent, under Section 45-A of the Employees' State Insurance Act, 1948 and the consequential proceedings bearing No.AP / RO / VJA / RRO / Q / 62000364460001399, dated 29.10.2025, issued by 3rd respondent, under Section 45G(3)(x) of the said Act, for recovery of an amount of Rs.4,66,016/-, inclusive of recovery charges and interest calculated as on 28.10.2025, by

attaching the petitioner's bank account maintained with 4th respondent Bank, without proper verification of records and without considering the petitioner's representation dated 10.12.2025.

Learned counsel for the petitioner submits that the petitioner School made a representation dated 10.12.2025 to the Regional Director, Employees' State Insurance Corporation stating that the show cause notice dated 02.08.2023 said to have been issued by the respondent Corporation has not been received by the petitioner. He submits that as per the respondent Corporation, the petitioner School engaged 10 employees, but in reality they engaged only 6 employees for running the School. He further submits that as there were no children studying in the petitioner School, they closed the School in the year 2019. According to him, there is a dispute with regard to the amount to be paid by the petitioner School to the respondent Corporation. The matter requires examination.

In view of the aforesaid facts and circumstances, subject to condition of the petitioner herein paying an amount of Rs.50,000/- (Rupees Fifty thousand only) to the respondent Corporation, there shall be interim stay of all further proceedings pursuant to 3rd respondent's proceedings No.AP / RO / VJA / RRO / Q/62000364460001399, dated 29.10.2025, for a period of eight (8) weeks.

List the matter after four (4) weeks."

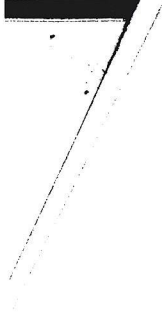
SD/- B. CHITTI JOSEPH
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Union of India, Ministry of Labour and Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi-110011.

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2. The Assistant Director, Employees State Insurance Corporation, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.
 3. The Revenue Recovery Officer, the Employees State Insurance Corporation, Regional Office at Panchadeep Bhavan, ESI Hospital Road, Gunadala, Vijayawada, Andhra Pradesh - 520004.
 4. The Branch Manager, State Bank of India, Akkireddigudem Branch (Code-04699), Chekkapally Village, Musunuru Mandal, Eluru District, Andhra Pradesh-521213. (Addressee Nos.1 to 4 By RPAD- along with a copy of petition and memorandum of grounds)
 5. One CC to Sri Vinod Kumar Pemmasani Advocate [OPUC]
 6. One CC to Sri P. Ponna Rao, Deputy Solicitor General of India, High Court of A.P. [OPUC]
 7. One spare copy

HIGH COURT

SRK,J

DATED:12/02/2026

LIST THE MATTER AFTER FOUR (04) WEEKS.

NOTICE BEFORE ADMISSION

WP.No.4040 of 2026

INTERIM STAY

