



W.P.No.2423 of 2023
and WMP No.2514 of 2023

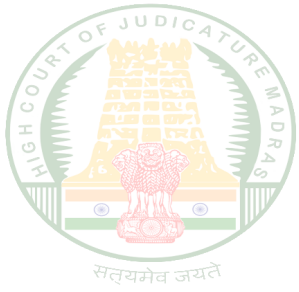
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N. ANAND VENKATESH., J.

Mrs.S.Jayakumari, learned Standing Counsel takes notice on behalf of the respondents. Post this case after four weeks and in the meantime, the respondents are directed to file counter.

2.The main ground that has been raised in this writ petition is that the 1st respondent has passed an order to the effect that the petitioner must deposit a sum of Rs.25,91,607/- towards arrears of contributions for the period from 2011-2019. According to the petitioner, the 1st respondent does not have the power or jurisdiction to direct for the payment of arrears of contributions beyond 5 years. Hence, it was contended that for the period from 2011 – 2015, the 1st respondent does not have the power to direct payment of arrears of contribution. To substantiate this submission, the learned counsel for the petitioner brought to the notice of this Court two earlier orders passed in W.P.Nos.18890, 18904, 18909 of 2020 and WMP.Nos.23468 etc., of 2020 dt.21.12.2020 and W.P.No.15405 of 2020 and WMP No.19260 of 2020 dt.29.10.2020.

3.On carefully going through the orders that were cited by the learned counsel for the petitioner, it is seen that this Court has categorically held that the ESI., Corporation cannot claim arrears of contribution beyond the limitation and the past arrears beyond 5 years cannot be recovered.



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N.ANAND VENKATESH.,J

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4.The learned counsel for the petitioner submitted that if the 5 years period towards the past arrears is excluded, the petitioner will be liable to pay only a sum of Rs.11,28,352/-. It was further brought to the notice of this Court that the issue pertaining to the limitation for recovering the past arrears has already been referred to the Full Bench of this Court in W.P.No.25454 of 2022, by order dt.22.09.2022. Post this writ petition also along with the batch of cases connected to W.P.No.25454 of 2022.

5.In the light of the above discussion, there shall be an order of interim stay as sought for subject to the condition that the petitioner deposits a sum of Rs.11,28,352/- [Rupees Eleven Lakhs Twenty Eight Thousand Three Hundred and Fifty Two only], within a period of **eight weeks** from the date of receipt of copy of this order before the 2nd respondent. The deposit shall be made in two equal monthly installments. Non-compliance with this condition will automatically result in the interim order getting automatically vacated without any further reference to this Court. Thereafter, it will be left open to the ESI Corporation to proceed further to recover the dues/arrears from the petitioner.

30.01.2023

Internet: Yes

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