



W.P.No.2423 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.2423 of 2023

and

W.M.P.No.2514 of 2023

M/s.L.E.F.Eden Garden Matriculation School
Rep. By its Correspondent Sri.G.J.Gyanaprakasam,
374, Cherry Road, Hasthampatty,
Salem – 636 007.

...Petitioner

-Vs-

1.Employee State Insurance Corporation,
Rep. By its Dy.Regional Director,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem – 636 009.

2.The Recovery Officer,
Employee State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem – 636 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari and calling for the records relating to the order passed by the 1st respondent under Section 45A of the ESI Act, 1948 dated 01.11.2022 in No.63000739910001302/INS-I/SRO/SLM/101/22 and quash the same and



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pass such further orders.

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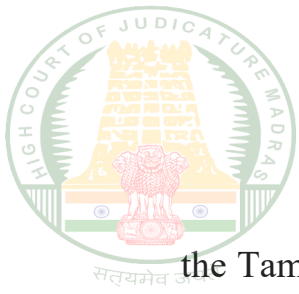
For Petitioner : M/s.Annie Singh

For Respondents : Mrs.S.Jayakumari,
Standing Counsel

ORDER

The writ petition has been filed challenging the order passed by the first respondent under Section 45A of the Employees' State Insurance Act, 1948 (ESI Act) — No.63000739910001302/INS-I/SRO/SLM/101/22 dated 01.11.2022.

2. The petitioner is a private school established and administered by a registered religious charitable society. On 03.08.2011, the first respondent issued a C-18 (ad hoc) notice to the petitioner, demanding Rs.1,34,046/- towards ESI contribution for the period 29.12.2010 to 30.06.2011. Subsequently, by an interim order dated 31.01.2013 in W.M.P.No.1 of 2013 in W.A.No.222 of 2013, a Division Bench of this Court stayed the operation of G.O.Ms.No.237, Labour & Employment (K) dated 26.11.2010 insofar as it related to collection of ESI contributions from schools that are members of

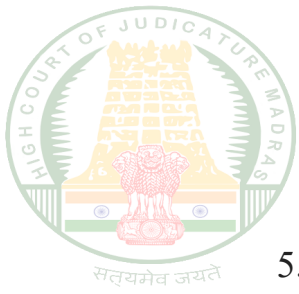


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the Tamil Nadu Nursery, Primary, Matriculation, Higher Secondary & CBSE Schools Association. The petitioner is a member of that Association.

3. Relying on the aforesaid stay order of the Hon'ble Division Bench, the petitioner stopped payment of ESI contributions from February 2013 and informed the first respondent of the same through a representation dated 21.03.2016. Notwithstanding the currency of the stay order the first respondent passed an order under Section 45A of the ESI Act on 31.03.2016 (No. 63000739910001302/45A/347/11/INS/SRO/SLM) assessing the contribution at Rs.87,945/- for the period 01.03.2011 to 30.06.2011.

4. Thereafter, on 03.02.2022, the first respondent issued another show-cause notice (No.63000739910001302/INS.II/SRO/SLM/SCN/D5/) proposing criminal prosecution against the petitioner for alleged non-payment of contributions for the periods 07/11 to 08/11 and 02/13 to 09/19. On 06.06.2022, the first respondent issued a further C-18 (ad hoc) notice seeking contributions based on assumed wages (regular contribution), totalling Rs.20,57,576/-.



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5. Even though the petitioner requested reduction/waiver of the pending arrears. Instead, the first respondent rejected it and threatened the petitioner with distress proceedings. Finally, a 45-A order was passed on 01.11.2022, determining the arrears of contributions for the periods 01.07.2011 to 31.08.2011 and 01.02.2013 to 30.09.2019 at Rs.25,91,607/-. Aggrieved by the impugned 45-A order, the petitioner filed the above writ petition for the aforesaid relief.

6. When the matter was taken up for hearing on an earlier occasion, the learned Standing Counsel for the respondents submitted that the respondents had launched a New Amnesty Scheme, 2025 for settling pending Court cases, and that a communication dated 25.09.2025, was also sent to the petitioner inviting it to avail the scheme. Learned counsel for the petitioner sought time to obtain instructions.

7. Today, 26.11.2025, learned counsel for the petitioner submits that the petitioner is willing in principle to settle the matter by availing the New Amnesty Scheme, 2025. However, the counsel requested that liberty may be



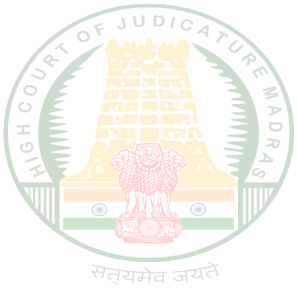
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granted to approach this Court in the event of any dispute arising from the operation or result of the Amnesty Scheme.

8. Heard the learned counsels on either side and perused the materials available on record.

9. The Amnesty Scheme dated 24.07.2025 provides for settlement of disputes relating to contributions under Section 45A of the ESI Act. The Scheme contemplates that an employer who wishes to settle a pending matter may apply for settlement under the Scheme and obtain benefits in accordance with its terms, after obtaining permission of the Court.

10. Since the petitioner has expressed willingness to settle the dispute by availing the benefits of the Amnesty Scheme dated 24.07.2025, the petitioner is permitted to approach the respondents for settlement under that Scheme. The petitioner is also granted liberty to approach this Court in respect of any grievance arising out of or connected with the operation or result of the Amnesty Scheme.



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11. In view thereof, the writ petition stands disposed of with liberty as above. No costs. Consequently, the connected miscellaneous petition is closed.

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cda/AP

Index : Yes/No

Speaking/Non-Speaking Order

N.MALA, J.

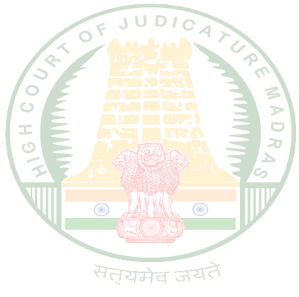
cda/AP

To

1.The Deputy Regional Director,
Employee State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem – 636 009.

2.The Recovery Officer,
Employee State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
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