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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP No. 30861 of 2026
IN
CMA NO. 3796 OF 2026

The Deputy Director
Regional Office,
Employees State Insurance Corporation,
143, Sterling Road,
Nungambakkam,
Chennai-34.

..Appellant(s)

Vs

Bhaktavatsalam Memorial Trust
Rep. by its Manager,
No.14, 31st Street,
Periyar Nagar,
Korattur,
Chennai-80.

..Respondent(s)

CMA No. 3796 of 2026

The Deputy Director

Appellant(s)

Vs

Bhaktavatsalam Memorial Trust

Respondent(s)

CMP No. 30861 of 2026

To stay the operation of the impugned order dated 19.01.2026 passed in OP No. 13/2023 on the file of the ESI Court (Principal Labour Court), Chennai pending disposal of the CMA and thus render justice.

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CMA No. 3796 of 2026

To against the Fair and Decreetal order of the ESI Court Principal Labour Court, Chennai dated 19-01-2026 and made in O.P.No.10/2023 to set aside the same.

CMP No. 30861 of 2026

For Appellant(s): G Narmadha
For Respondent(s): Mr.R.Parthiban

ORDER

(1) The learned counsel for the petitioner prays for stay of the impugned order dated 19.01.2026 of the ESI Court. The learned counsel submitted that the petitioner Corporation passed the Section 45-A order dated 14.10.2022, claiming a sum of Rs.1,16,18,486/- for the period from 08/2017 to 03/2021 after giving credit to a sum of Rs.16,70,606/- paid by the respondent voluntarily on the basis of its own calculation of the contribution. The learned counsel submitted that the ESI Court by the impugned order, has erroneously directed the petitioner Corporation to refund the entire amount including the voluntary contribution made by the respondent. The learned counsel therefore prayed for interim stay till the disposal of the appeal.

(2) Mr.R.Parthiban, learned counsel accepting notice on behalf of the respondent submitted that Section 45A order having been set aside, the respondent is not pressing for the refund of Rs.16,70,606/- which was

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paid towards contribution even prior to the 45A order as per the respondent's own calculation. The learned counsel therefore submitted that the stay petition may be dismissed as infructuous.

(3) Recording the submission of the learned counsel for the respondent that the respondent will not be claiming refund of Rs.16,70,606/- paid by it voluntarily as per its own calculation, the above Civil Miscellaneous Petition is ***dismissed as infructuous*** since even the Corporation has pressed for stay insofar as the said amount alone is concerned.

(4) Post the Civil Miscellaneous Appeal for hearing on ***20.11.2026.***

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

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N.MALA, J.

AP

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