

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 20521 of 2015 (M)

PETITIONER:

M.T.SETHUMADHAVAN, AGED 63 YEARS
S/O. ACHUTHAN, S.S. NIVAS, PALAYAD P.O.
THALASSERY TALUK, KANNUR DISTRICT.

BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.

RESPONDENTS:

1. THE CHIEF WELFARE FUND INSPECTOR,
TODDY WORKERS' WELFARE FUND BOARD,
THIRUVANANTHAPURAM - 695 001.
2. THE WELFARE FUND INSPECTOR
TODDY WORKERS' WELFARE FUND, KANNUR - 670 001.

R BY SRI.RENIL ANTO, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 20521 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS :

P1 - TRUE COPY OF THE ASSESSEMNT ORDER DT. 25.8.14 OF THE 2ND
RESPONDENT ALONG WITH THE ANNEXURES.

P2 - TRUE COPY OF THE RECEIPT DT. 09.10.14 ISSUED BY THE 2ND
RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20521 of 2015

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Dated this the 15th day of July, 2015

JUDGMENT

The petitioner has come up before this Court aggrieved by the inordinate delay in refunding the excess amount collected from him.

2. The grievance of the petitioner is that the respondents are not refunding the welfare fund amount collected in excess while receiving it in advance and the interest thereon.

3. The petitioner alleges that one K. V. Manoj was the licensee of toddy shop nos.15, 16, 17, 31, 32, 33 and 35 of Thalassery Excise Range for the year 2012-13 and his licence was cancelled alleging offence under section 57(a) of the Abkari Act. Thereafter, the toddy shops were auctioned under the Abkari Shops Departmental Management Rules and the petitioner auctioned the above shops for the remaining period.

4. The petitioner alleges that the second respondent demanded huge amount of advance contribution towards Toddy Workers' Welfare Fund and the petitioner had remitted a sum of ₹14,43,930/- from 6.5.2013 to 5.2.2014 by ten monthly instalments. After conducting the final assessment, it was assessed that the

petitioner had to pay only an amount of ₹12,37,620/- in this account; it is alleged. Therefore, the respondents collected an amount of ₹2,06,310/- as evidenced by Ext.P1. This, according to the petitioner, is excess. The licence period of the petitioner expired on 9.2.2014. However, the respondents have not yet refunded the excess amount collected from him in spite of repeated requests. Hence, this writ petition is filed.

5. Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent board.

6. The learned standing counsel for the respondent board on instructions submitted that the board has initiated proceedings to refund the amount and formal orders to this effect would be passed within one month.

Therefore, the writ petition is disposed of directing the first respondent to re-fund the amount due to the petitioner within one month from today failing which the respondent shall pay interest @ 12% per annum from the date on which the payment has become due till the date of payment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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