

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 21127 of 2015 (M)

PETITIONER :

**PAULSON K.K., AGED 45 YEARS,
S/O. KURIAKOSE, MANAGING PARTNER,
MATTAKUZH HOLLO BRICKS, VARIKOLY PO, PUTHENCRUZ,
ERNAKULAM DISTRICT**

**BY ADVS.SRI.U.K.DEVIDAS
SRI.PRINSUN PHILIP**

RESPONDENTS :

**1. THE EMPLOYEES STATE INSURANCE CORPORATION,
SUB REGIONAL OFFICE, MALU'S COMPLEX
ST.FRANCIS CHURCH ROAD, KALOOR, COCHIN-17
REP. BY ITS DEPUTY DIRECTOR**

**2. THE RECOVERY OFFICER,
EMPLOYEES STATE INSURANCE CORPORATION,
SUB REGIONAL OFFICE, MALU'S COMPLEX,
ST. FRANCIS CHURCH ROAD, KALOOR, COCHIN-17**

BY SRI.P.SANKARANKUTTY NAIR, SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DEMAND NOTICE DATED 10.3.2015 ISSUED BY THE R2.

EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 10.3.2015 ISSUED BY THE R2

EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 13.3.2015 ISSUED BY THE SECOND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 13.3.2015.

EXHIBIT P5: TRUE COPY OF THE NOTICE DATED 26.3.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21127 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

The petitioner has approached this Court challenging Ext.P5 recovery notice issued under the ESI Act.

2. The petitioner is the Managing Director of the Mattakuzhi Hollow Bricks partnership firm engaged in the business of manufacturing and selling of concrete blocks. The establishment is a covered establishment under the Employees State Insurance Act. The petitioner alleges that due to financial crisis of the petitioner establishment, there was some delay in remitting the contribution. The respondent Employees State Insurance Corporation had initiated proceedings against the petitioner establishment. The petitioner establishment had already cleared the major portion of its dues. Now the Corporation initiated further proceedings against the petitioner with respect to the balance contribution in due; it is alleged. It is with this background, the petitioner has come up before this

Court.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

4. The learned counsel for the petitioner confined his argument to the limited prayer for installment facility.

5. The learned Standing Counsel for the respondent Corporation inviting my attention to Ext.P5 submits that the installment facility has been provided to the petitioner and he was directed to repay the loan in six monthly installments.

6. However, the learned counsel for the petitioner would submit that the petitioner was not be able to clear of the dues within six months as directed by the respondent Corporation.

Considering the entire facts and circumstances of the case, the writ petition is disposed of directing the petitioner to remit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) within one month from today. The balance amount shall be

paid by ten equal installments starting from 14.9.2015. If the petitioner makes default in paying the first installment of Rs.50,000/- or two monthly installments consecutively, it shall be open to the respondent Corporation to initiate coercive action against the petitioner. The granting of installment facility will not stand in the way of the respondent Corporation in taking any legally permissible action against the petitioner.

**Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE**

Scl.