

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21721 of 2015 (M)

PETITIONER(S):

**M/S. MOUNT ESTATE,
VANDIPERIYAR P.O., IDUKKI - 685 533,
REP. BY ITS MANAGER, MR.AJAS KHAN.**

BY ADV. SRI.V.B.HARI NARAYANAN

RESPONDENT(S):

- 1. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, KOTTAYAM - 686 001.**
- 2. RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE , KOTTAYAM - 686 001.**

BY ADV. SRI.JOY THATTIL ITOOP, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21721 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE PROCEEDINGS DATED 18.2.2015.

P2- A COPY OF THE DEMAND NOTICE DATED 27.5.15.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.21721 of 2015

Dated this the 20th day of July, 2015.

JUDGMENT

The petitioner has approached this Court challenging Ext.P2 demand notice issued under the ESI Act.

2. The petitioner is an establishment engaged in plantation business. The petitioner alleges that due to financial problems on account of the crisis prevailing in tea industry, there was delay on the part of the petitioner in remitting contribution under the Provident Fund Act. Thereafter, proceedings were finalized imposing damages and interest for the delayed payment and based on that demand notice is now served on the petitioner. The statutory remedy available to the petitioner is to file an appeal before the Appellate Tribunal, since the amount demanded is not disputed by the petitioner. However, if reasonable time is granted, the petitioner is ready and willing to clear the outstanding in installments; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2 in the matter.

As the learned counsel for the petitioner confined his argument to the limited prayer for installment facility, the writ petition is disposed of permitting the petitioner to clear the entire liability within nine monthly installments commencing from 1.8.2015. It is hereby made clear that if the petitioner makes default in paying two monthly installments consecutively, it shall be open to the respondent Corporation to initiate coercive action against the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.