

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5742 of 2015

ORDER:

Heard learned counsel for the petitioner and the Standing Counsel.

Learned counsel for the petitioner put forward several contentions against the proceedings impugned in the writ petition. Learned counsel submits that these submissions are dependant on consideration of a fact in issue and application of law. As the Tribunal is not functional, the petitioner is constrained to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Yet another objection against the impugned proceedings is issuance of prohibitory orders restraining the petitioner from operating the bank account. The petitioner contends that its activity is stifled. Learned counsel appearing for the petitioner alternatively submits that if reasonable and fair installments are granted, the petitioner without joining issue with the respondents will discharge the amount demanded through the proceedings, dated 25.08.2014.

Sri R.N. Reddy, learned Counsel for the respondents submits that the determination is based upon material evidence and with the determination of provident fund dues, default or failure to pay the dues within the time, the consequence of law is attracted and there is hardly any reason to assail the damages levied by the department as the petitioner has not contributed the amount within time. Learned counsel justified issuance of prohibitory order against the operation of bank account. On the installments with a view to afford opportunity to the petitioner, learned Standing Counsel submits that this Court can consider giving four equal installments to the petitioner.

After perusing the material available on record and considering the submissions of respective counsel, the writ petition is disposed of

by granting interim stay of all proceedings subject to the condition of the petitioner depositing a sum of Rs.2 lakhs within two weeks from today. Upon such deposit the 3rd respondent is directed to pass appropriate orders recalling the prohibitory order forthwith. Thereafter, the petitioner is given equal monthly installments of six for repayment of the balance amount. If the petitioner commits default in any one of the conditions, it is needless to observe that the 3rd respondent is given liberty to pass appropriate orders. No costs.

4. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE S.V.BHATT

Date:09.03.2015
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