

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.14564 & 14565 of 2016
and W.M.P.Nos.12751 & 12752 of 2016

M/s.Gowri Lakshmi Silks
rep by its Partner S.Singaravelu
No.120, J.N.Street,
Puducherry - 605 001. .. Petitioner in W.P.No.14564/2016

M/s.Velan Silks
rep by its Partner S.Ananda Vadivelu
No.116, J.N.Street,
Puducherry - 605 001. .. Petitioner in W.P.No.14565/2016

Vs.

1.Office of the Employees Provident Fund Organization,
rep by its Commissioners,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olanadaikeerapalayam,
Puducherry - 605 004.

2.Officer of the Employees Provident Fund Organization,
rep by its Recovery Officer,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olanadaikeerapalayam,
Puducherry - 605 004.

3.M/s.M.S.T.C.,
rep by its Chairman,
Leelavathi Building, 2nd Floor,
Armenian Street,
Chennai - 600 001. .. Respondents in both W.Ps

Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India seeking for a writ of certiorarified mandamus to call for the records of the 2nd respondent in their notice for proclamation of the sale vide proceedings No.TBM/SRO/PDY/Recy-Cell/Div-III/PC/824/2016 and No.TBM/SRO/PDY/Recy-Cell/Div-III/PC/722/2016 dated 31.03.2016 for

public e-auction of Ashok Leyland Generator Set Type Prime Rating:125 KVA Ashok Leyland DG Set and Kirloskar AC Generator (MC No.99E38250/35-02) respectively to be held on 19.04.2016 at the office of M/s.MSTC Ltd (A Govt. of India Enterprises), 2nd Floor, Leelavathi Building, 69, Armenian Street, Chennai - 600 001 and to quash the same and direct the 2nd respondent to defreeze the Bank Current A/c Nos.12782320000013 and 1278000001930 in HDFC Bank, Vallalar Salai Branch, Puducherry.

For Petitioners : Mr.D.S.Rajasekaran

C O M M O N O R D E R

Heard Mr.D.S.Rajasekaran, learned counsel appearing for the petitioners.

2.These Writ Petitions have been filed by the petitioners praying for issuance of writ of certiorarified mandamus to quash the proclamation of sale issued by the 2nd respondent bringing the Generators said to be owned by the petitioners for sale through E-auction to be conducted by the 3rd respondent.

3.This is the second time, the petitioners have approached this Court with a similar prayer. Earlier, the petitioners have filed Writ Petitions in W.P.Nos.221 & 222 of 2016 wherein the petitioners sought for quashing the proclamation of sale dated 15.12.2015 issued earlier by the respondent Organization for the very same dues. This Court, by order dated 06.01.2016, disposed of the Writ Petitions along with other connected Writ Petitions by observing that since the petitioners are undergoing financial difficulties, this Court is inclined to grant some indulgence to the petitioner to enable them to remit the entire dues as demanded by the respondents within a time frame. However, this Court did not quash the proclamation of sale, but deferred the proceedings for a period of six weeks with a further direction that the movable property, which were sought to be brought for sale should not be removed from the premises or in any manner, alienated or encumbered and shall be preserved in good condition.

4.According to the petitioners, part amount have been paid by the petitioners within the six weeks period. However, the petitioners have not cleared the entire dues, which has now resulted in the proclamation of sale dated 31.03.2016, which is impugned in these Writ Petitions.

5.In the light of the above facts, a fresh challenge to the impugned proclamation of sale on the very same grounds, as raised in the earlier Writ Petitions, cannot be entertained. Therefore, the Writ Petitions stand dismissed. However, it is

open to the petitioners to approach the respondents 1 & 2 with a offer to settle the entire dues in a single payment and if such an offer is made, the respondents 1 & 2 shall consider the same and grant a reasonable time to the petitioners to liquidate the entire dues. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioners,
Office of the Employees Provident Fund Organization,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olanadaikeerapalayam,
Puducherry - 605 004.
- 2.The Recovery Officer,
Officer of the Employees Provident Fund Organization,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olanadaikeerapalayam,
Puducherry - 605 004.
- 3.The Chairman,
M/s.M.S.T.C.,
Leelavathi Building, 2nd Floor,
Armenian Street, Chennai - 600 001.

+2cc to Mr.D.S.Rajasekaran, Advocate Sr.24488[10/05/2016]

W.P.Nos.14564 & 14565 of 2016
and W.M.P.Nos.12751 & 12752 of 2016

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srg 02/05/2016