

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44321 of 2016

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India seeking to direct the respondents not to take any coercive steps to collect the amount due by the petitioner.

2. It is stated in the affidavit that the petitioner has been paying both employers' and employees' share of contributions regularly. But due to recession, the petitioner-company delayed the payments of the contributions. The 2nd respondent issued a notice on 18.3.2016 to pay the amount due for the period from October 2009 to June, 2014. The petitioner could not pay the same. Then, the 2nd respondent passed orders on 19.4.2016 requesting the Branch Manager, Indian Bank, Tanuku, to transfer forthwith an amount of Rs.10,41,000/- which includes cost of recovery and interest upto 19.4.2016 from the account of the petitioner. It was also further ordered that no further debit transaction from the said bank account of the petitioner shall be allowed without transferring the amount in full. Aggrieved by the said order, the petitioner approached this Court by way of this writ petition.

3. Heard and perused the material available on record.

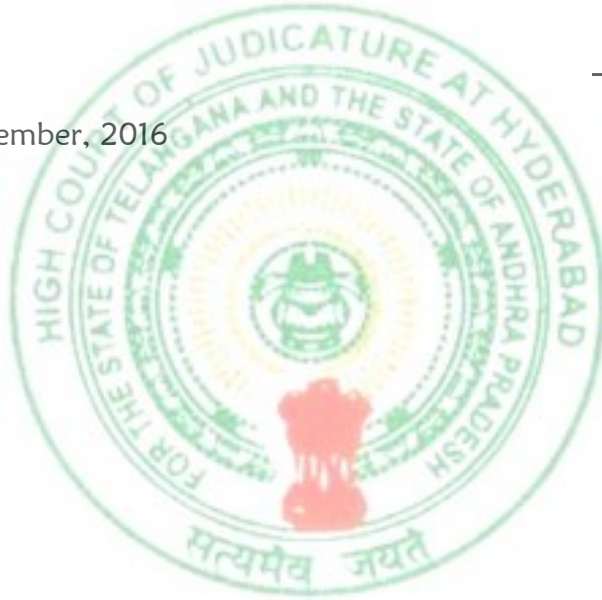
4. Learned Counsel for the petitioner submitted that due to some unavoidable circumstances, the petitioner could not be able to pay the contributions in time and that the petitioner undertakes to pay the amount within four instalments and therefore, the order of the 2nd respondent may be set aside.

5. Considering the above submission, the petitioner is directed pay the entire amount to the 1st respondent in four equal monthly instalments commencing from the month of January, 2017. The order passed by the 2nd respondent dated 19.4.2016 is set aside. If the petitioner fails to pay the amount due to the 1st respondent in four instalments, the order of the 2nd respondent shall stand restored.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 23rd December, 2016
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RAJA ELANGO, J



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