

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45463 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to call for the records from the 2nd and 3rd Respondents and issue an appropriate Writ, Order or Directions, particularly one in the nature of Writ of Mandamus, declaring the orders passed by the 2nd and 3rd respondents in Proceedings No. AP/61159, dated 22.6.2015 determining the alleged amount as Rs.1,04,21,225/- towards the Contribution in respect of the Employees engaged by the Contractors during the period March, 2008 to September, 2012, and also the Orders of the 3rd Respondent in refusing to grant instalments and consequent orders passed by the 3rd respondent dated 04.12.2015 in Proceedings No.TS/ENF-I/RO/HYD/61159/C-I/T-2/2015/1823, dated 04.12.2015 and Order dated 12.07.2016 in Proceedings No.AP/61159/RC06/16/2016, ordered to pay the dues of the defaulter and Prohibitory Orders issued by the 3rd Respondent dated 06.09.2016 as illegal, unjust, contrary to law, irrational, arbitrary, in violation of principles of natural justice, and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits; and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Case of the petitioner is that it was entrusting the works to the contractors on Turn-key basis and paying the amounts; that it is unaware of the number of employees engaged by the contractors as it was not furnished the names of those employees engaged by the contractors; that respondent No.2 passed orders in Proceedings No.AP/61159, dated 22.6.2015, determining the amount due as Rs.1,04,21,225/- towards contribution in respect of the employees engaged by the contractors during the period from March, 2008 to

September, 2012; that respondent No.3 passed order in Proceedings No.TS/ENF-I/RO/HYD/61159/C-I/T-2/2015/1823, dated 4.12.2015, refusing to grant instalments and also passed consequential order in Proceedings No.AP/61159/RC06/16/2016, dated 12.07.2016, ordering to pay the dues of the defaulter and issued Prohibitory Order in Proceedings No.AP/HYD/RO/61159/RC 06/16/2016, dated 06.09.2016.

3. Heard and perused the material available on record.
4. Learned Standing Counsel appearing for the respondents objected to grant permission to the petitioner to pay the amount due in instalments.
5. Considering the facts and circumstances of the case and in view of the fact that the petitioner was entrusting the works to the contractors on Turn-key basis and paying the amounts to them, the petitioner is directed to pay an amount of Rs.10,00,000/- (Rupees ten lakhs only) on or before 15.2.2017 and thereafter, to pay the remaining amount in twelve (12) equal instalments commencing from the month of March, 2017. If the petitioner complies with the said condition, respondent No.3 shall not give effect to the prohibitory order under challenge.
6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

2.1.2017

Note:-

Furnish C.C. within three (3) days.

B/O
AMD



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Date: 2.1.2017

AMD