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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.8658 of 2019

and W.M.P.No.9191 of 2019

M/s.Asian Bearings Limited
rep.by its Managing Director
P.L.Muthu, Berikai Road, Belathur 635 124
Hosur Taluk, Krishnagiri

... Petitioner

Vs

- 1.The Regional Provident Fund Commissioner-cum-
Recovery Officer, Employees Provident Fund
Organization, Sri Jayalakshmi Plaza, Swarnapuri
Salem - 636 004.
- 2.The Assistant Provident Fund Commissioner cum
Recovery Officer, Employees Provident
Organization, Sri Jayalakshmi Plaza, Swarnapuri
Salem - 636 004.
- 3.The Enforcement Officer, Employees Provident
Fund Organization, District Office, Krishnagiri.
- 4.The Enforcement Officer
Employees Provident Fund Organization
District Office, Salem.
- 5.M/s.MSTC, ISPAT Bhavan, 3rd Floor
No.5, Kodambakkam High Road,
Chennai-600 034.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of the second respondent in Letter No.CB/SLM/17496/RECY/CP-13/KNG/2019 dated 21.02.2019, quash the same and consequently direct the 2nd respondent to raise / withdraw / cancel the order of attachment in respect of the movable property in the proceedings dated 27.06.2018 in No.CB/SL/17496/RECOVERY/KNG-II/CP-2/2018 of the second respondent and to raise/withdraw/cancel the order of attachment of the immovable property vide proceedings of the second respondent dated 08.08.2018 in No.TN/SL/17496/Recovery/KNG/CP-16/2018 .

(Prayer amended vide order of the Court dated 29.03.2019 in W.M.P.No.9598 of 2019)



For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.R.Thirunavukkarasu for RR 1 to 4

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O R D E R

When the matter is taken up for hearing today, the learned counsel appearing on behalf of the petitioner filed a memo and the contents of the memo are extracted hereunder.

" MEMO FILED ON BEHALF OF THE PETITIONER

It is submitted on behalf of the petitioner as follows:

1. It is submitted that the above writ petition is filed to quash the proclamation of sale dated 21.02.2019 of the 2nd respondent in No.CB/SLM/17496/RECY/CP-13/KNG/2019 and consequently to raise / withdraw / cancel the attachment in respect of the movable property in the proceeding dated 27.02.2018 in No.CB/SL/17496/RECOVERY/KNG-II/CP-2/2018 of the 2nd respondent and the order of attachment of the immovable property vide proceedings of the 2nd respondent dated 08.08.2018 in TN/SL/17496/RECOVERY/KNG/CP-16/2018.
2. It is submitted that the aforesaid actions were initiated by the respondent organization for recovery of a sum of Rs.3,53,28,585/-.
3. The petitioner has paid
 - A sum of Rs.45,00,000/- (Rupees Forty Five Lakhs) by way of cheque No.50279, dated 11.03.2019 and the said amount was cleared on 14.03.2019.
 - A sum of Rs.1,00,00,000/- (Rupees One Crore only) was paid by the petitioner by way of Demand Draft No.568153 dated 18.03.2019 drawn on City Union Bank Limited, Mount Road, Chennai; and
 - A sum of Rs.2,08,28,585/- (Rupees Two Crore Eight Lakh Twenty Eight Thousand Five Hundred Eighty Five) was paid by way of Demand Draft No.568230 dated 22.03.2019 drawn on City Union Bank Ltd., Mount Road, Chennai.
4. The aforesaid Demand Drafts have already been handed over to the counsel for respondent on 28.03.2019. Thus, the petitioner has paid the entire amount of Rs.3,53,28,585/- as claimed by the respondents.



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5. It is therefor prayed that in view of the entire payment having been paid by the petitioner, the sale proclamation dated 21.2.2019 in No.CB/SLM/17496/RECY/CP-13/KNG/2019 and the order of attachment of the immovable property vide proceedings of the 2nd respondent dated 08.08.2018 in TN/SL/17496/RECOVERY/KNG/CP-16/2018 may be raised / withdrawn / cancelled and thus render justice."

2. According to the contents of the memo, the entire amount as claimed in the impugned orders passed by the respondents have been paid, the details of which has been mentioned in the memo. In view of the same, the writ petition stands allowed on the above terms. No costs. Consequently, connected W.M.P.No.9191 of 2019 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kst

To

- 1.The Regional Provident Fund Commissioner-cum-Recovery Officer, Employees Provident Fund Organization, Sri Jayalakshmi Plaza, Swarnapuri Salem - 636 004.
 - 2.The Assistant Provident Fund Commissioner cum Recovery Officer, Employees Provident Fund Organization, Sri Jayalakshmi Plaza, Swarnapuri Salem - 636 004.
 - 3.The Enforcement Officer, Employees Provident Fund Organization, District Office, Krishnagiri.
 - 4.The Enforcement Officer
Employees Provident Fund Organization
District Office, Salem.
- +1 cc to Mr.R.Thirunavukkarasu, Advocate, Sr.No. 30762
+1 cc to Mr.R.Jenasenan, Advocate, Sr.No. 30082

W.P.No.8658 of 2019
& W.M.P.No.9191 of 2019

SKV(CO)
CSL/02.05.2019