

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.515 OF 2019

DATED :21.01.2019

Between :

M/s.Sri A. Raju Contractors,
Rep., by Sri A. Vinod Kumar Goud,
Aged about 26 yrs, Occu : Business,
R/o.1-59/A/1, Road No.3,
Aditya Nagar, Miyapur,
Hyderabad-500049, T.S.

..

Petitioner

And

The Employees State Insurance Corporation,
rep., by its Regional Director,
5-9-23, Hill Fort Road,
Adarsh Nagar, Hyderabad 500063 & another.

..

Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Sri B.G.Ravinder Reddy, learned Standing counsel for the respondents.

2. Petitioner is a man power supplier to various firms. On 29.08.2018, the Employees State Insurance Corporation passed orders holding that petitioner failed to pay the contributions towards employees as per the provisions of the Employees State Insurance Act 1948, and demanded the petitioner to pay the amount. The amount quantified was Rs.18,78,247/-. This order is not under challenge in this writ petition. While so, on 01.11.2018, notice of demand to defaulter was issued based on the certificate dated 26.10.2018 for recovery of the amount due from the petitioner and demanding him to pay an amount of Rs.25,04,988/-. This notice is under challenge in this writ petition.

3. As noted above, the order by which demand to pay amount of Rs.18,78,247/- was made is not under challenge and the notice dated 01.11.2018 is a consequential notice for recovery of amount due, in terms of the earlier proceedings. For the first time petitioner sought to plead that in fact the amounts were already paid, but the head of account shown while remitting the amount was wrong. However no material is placed on record to substantiate the said claim. Even in the representation submitted by the petitioner on 23.10.2018, this

issue was not highlighted. Therefore, this Court cannot express any opinion on the said plea.

4. Having regard to the fact that the proceedings, by which the liability was fixed on the petitioner is not under challenge and what is under challenge is only a consequential recovery proceedings, this Court is not inclined to entertain the writ petition.

5. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies as available in law, including satisfying the competent authority on the alleged payments made by him earlier. Pending miscellaneous petitions shall stand closed.

21st January, 2019
Rds

P.NAVEEN RAO,J