

HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.9824 of 2019

ORDER :

The petitioner is a Small Scale Industry and is not doing well in its business. However, it is managing the business in remitting the amounts payable to the Commercial Tax Department, Banks and also to Employees State Insurance Corporation (ESIC). In that process, when the petitioner became defaulter to the Commercial Taxes Department, it preferred a writ petition being W.P.No.6323 of 2019 and keeping in view the financial position of the petitioner, a Division Bench of this Court granted the facility of payment of arrears of tax to the Commercial Taxes Department in 12 equal monthly instalments commencing from April, 2019 onwards. In a similarly placed situation with regard to the payment of dues to the Employees State Insurance Corporation (ESIC), the petitioner has filed the present writ petition for grant of instalments to clear off the outstanding amounts to ESIC.

Learned counsel for the petitioner submits that in order to prove its bonafides, the petitioner is willing to deposit a sum of Rs.5,00,000/- towards first instalment to the credit of ESIC commencing from May, 2015 onwards.

Heard Sri Vedula Srinivas, learned counsel for the petitioner and Sri B.G. Ravinder Reddy, learned Standing Counsel for respondent Nos.1 and 2 – ESIC.

Having heard learned counsel for the respective parties, a consent order is passed directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) towards first instalment to the credit of respondent No.1 - ESIC on or before 15.05.2019 and thereafter continue to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) every month regularly till outstanding amount due to the respondent – ESIC is cleared off. Upon payment of first instalment of Rs.5,00,000/- before 15.05.2019, the respondent – ESIC shall take steps to recall the attachment of Bank Accounts held by the petitioner with respondent Nos.3 and 4 Banks. In the event, if the petitioner fails to deposit the instalment amount for two consecutive months, the instalment facility granted by this Court shall automatically becomes inoperative and the respondent – ESIC authorities are at liberty to proceed against the petitioner for recovery of outstanding amount due in accordance with law.

With the above observations and directions, this Writ Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE T. AMARNATH GOUD

01.05.2019.
Msr

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