



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2295 of 2020

and

W.M.P. (MD) No.1943 of 2020

M/s.Kanyakumari District

Co-operative Spinning Mills Ltd.,

Aralvoymozhi - 629 301

Rep. by its Managing Director.

... Petitioner

Vs.

The Recovery Officer,

Employees' State Insurance Corporation,

Panchdeep Bhavan, ESIC Complex,

Salai Street, Vannarpettai,

Tirunelveli 627 003

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings in 66000080290000101/CP/-35253 11009/19 dated 23.12.2019 and quash the same and to permit the petitioner to clear the balance interest of Rs.14,28,493/- in 29 easy monthly installments.

For Petitioner : Mr.M.Elanchezhian

For Respondent : Mr.C.Karthick,
Standing Counsel

O R D E R

Mr.C.Karthick, learned standing counsel takes notice for the respondent/Employees' State Insurance Corporation.

2. By consent of both parties, the writ petition is taken up for final disposal.

3. This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings in 66000080290000101/CP/-35253



11009/19 dated 23.12.2019 and quash the same and to permit the petitioner to clear the balance interest of Rs.14,28,493/- in 29 easy monthly installments.

4. The respondent has passed an order in proceedings 66000080290000101/CP/-35253 11009/19 dated 23.12.2019 demanding remittance of interest under Section 39(5) of ESI Act and damages under Section 85(B) of ESI Act against the petitioner herein. The total due as per the order is Rs.14,28,493/- (Rupees Fourteen Lakhs and Twenty Eight Thousand Four Hundred and Ninety Three only). Even though an appeal remedy is available against this order, the petitioner is willing to comply with the order. But he expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in 29 equal monthly installments.

5. The learned standing counsel appearing for the respondent would vehemently oppose the proposal made by the petitioner. The learned counsel would submit that 29 installments is too longer period and it should be restricted.

6. After some deliberations, the petitioner agreed that he would pay the demand in fifteen equal monthly installments.

7. Considering the factual circumstances, the petitioner is directed to make the demanded payment, excluding Rs.50,000/- which is said to be paid before the respondent by the petitioner, in 15 equal monthly installments and the first installment shall be paid on or before 01.03.2020. In case of any default, the respondent is entitled to initiate action in accordance with law.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.1943 of 2020 is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sts



To:

The Recovery Officer,
Employees' State Insurance Corporation,
Panchdeep Bhavan, ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli 627 003

+1 CC to M/s.K.HEMA KARTHIKEYAN, Advocate (SR-5100[F] dated
06/02/2020)

+1 CC to M/s.C.KARTHIK, Advocate (SR-5066[F] dated 06/02/2020)

Order made in
W.P(MD)No.2295 of 2020
Dated: **06.02.2020**

SS(CO)
TR(27.02.2020) 3P 4C