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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.17063 OF 2021

AND

W.M.P.NO.18097 OF 2021

M/S.Nanjappa Chettiar Matric
Higher Sec.School,
Rep. by its Correspondent,
Mr.N.M.R.Senthilprabhu,
Mudhalipalayam Pirivu,
Avinashi Road, Sulur (TK),
Coimbatore - 641 407.

...Petitioner

-Vs-

1. The Deputy Director,
Employees' State Insurance Corporation,
Sub Regional Office, 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.
2. The Recovery Officer,
Employees' State Insurance Corporation,
Sub Regional Office, 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, prayed to issue a Writ of Certiorarified Mandamus calling for records of Notice of Demand Ref.No.56001109310001302/CP/435397/CR.52955 dated 22.07.2021 issued by the second respondent and quash the same and directing the respondents to accept the remaining outstanding determined



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amount of Rs.30,55,029/- (Rupees Thirty Lakhs Fifty Five Thousand and Twenty Nine Only) in 60 equal monthly instalments.

For Petitioner : Mr.P.Thangaraj

For Respondents : Mr.T.N.C.Kaushik
Standing Counsel

ORDER

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

2. The Educational Institutions have now been brought under the purview of the Employees' State Insurance Corporation Act, 1948. It is in this background, the impugned demand has been made for the past arrears between the period from April 2011 to October 2019, together with interest.

3. The very fact that the Educational Institutions are liable to pay the contributions, was decided by an Hon'ble Full Bench of this Court only on 29.07.2020 in W.P.Nos.34236 of 2019, batch etc.

4. Nevertheless, the learned counsel for the petitioner would submit that they are willing to pay the entire demand, including the interest as per the impugned notice of demand dated 22.07.2021, but would request for such payment to be made in instalments.

5. Taking into consideration of the facts of this case where the petitioner's liability to pay the contributions was determined recently and the present demand was for the period prior to such a decision, at which point of time, these Educational Institutions were protected through interim orders, the request of the petitioner seems to be reasonable.

6. Since the amount involved in the impugned demand is Rs.30,55,029/-, the same shall be paid in 30 equal monthly instalments, commencing from 01.10.2021. The petitioner shall pay a sum of Rs.3,55,029/- as a first instalment on or before 08.10.2021 and the remaining 29 instalments of Rs.1,00,000/-



each shall be paid on or before the 7th of every relevant month.

7. In view of the above directions, no interference is required to the impugned demand notice. Accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

hvk/ata

To

1. The Deputy Director,
Employees' State Insurance Corporation,
Sub Regional Office, 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.
2. The Recovery Officer,
Employees' State Insurance Corporation,
Sub Regional Office, 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.

+1cc to Mr.T.N.C.Kaushik, Advocate, S.R.No.51378

W.P.No.17063 of 2021
and
W.M.P.No.18097 of 2021

CP(CO)
RLP(02/11/2021)