



WP No.7571 of 2022

W.P.No.7571 of 2022

D. KRISHNAKUMAR, J.

This matter is posted today under the caption “ being mentioned”, at the instance of the counsel for the petitioner.

2. It is pointed out by the learned counsel appearing for the petitioner that, this Court, while directing the petitioner Management to pay the amount of Rs.2,16,132/- to the respondents in ten equal monthly installments, vide order dated 07.04.2022 in W.P.No.7571 of 2022, at Paragraph No.6(2) of the operative portion, it has been wrongly typed as " the first installment will commence from 01.04.2022 ". Therefore, the petitioner is not able to comply the above said order and hence, he prayed for modification of the operative portion of the order to that effect.

3. The learned Standing Counsel appearing for the respondent has not raised any serious objection for correcting the operative portion of the above said order.

4. Accordingly, paragraph No. 6(ii) of the order dated 07.04.2022 passed in W.P.No.7571 of 2022 is modified and shall read as follows:-

“ 6(ii). The first installment will commence from 01.07.2022 and the remaining installments shall be paid by the petitioner/Management on or before 10th of every succeeding English Calender month. In any



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default on the side of the petitioner regarding the payment, the respondents are permitted to proceed further in accordance with law. "

5. In other respects, the earlier order dated 07.04.2022 passed in W.P.No.7571 of 2022, shall stand unaltered.

08.06.2022

mst

Note: Registry is directed to issue a fresh order copy, after making necessary corrections.



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mst

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08.06.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7571 of 2022
and W.M.P.No.7570 of 2022

Indrayani Biotech Limited
represented by its Director Mr.G.Swaminathan
Block No.1, Module No.32, Sidco Electronics Complex,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032. ... Petitioner

Vs.

1.The Deputy Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai – 600 034.

2.The Recovery Officer,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai – 600 034.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarifi to call for the records relating to proceedings bearing No.TN/Ins.VIII/51-00-091688-000-0607/C18 Adhoc dated 01.12.2014 and 01.04.2015 of the first respondent and proceeding bearing No.TN/RECY/EC-15/51-51000916880000607/CCR-73173-96768 dated 04.02.2022 of the second



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respondent and to quash the same.

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For Petitioner : Mr.K.Elangoo

For Respondents : Mr.G.Baradwaj

ORDER

The relief sought for in the writ petition is to call for the records relating to proceedings bearing No.TN/Ins.VIII/51-00-091688-000-0607/C18 Adhoc dated 01.12.2014 and 01.04.2015 of the first respondent and proceeding bearing No.TN/RECY/EC-15/51-51000916880000607/CCR-73173-96768 dated 04.02.2022 of the second respondent and to quash the same.

2.Brief facts of the case: The Helios Solutions Limited, was a Company, had been doing business in the field of Electrical and Electronic installations and it had employed 32 persons in the year 2012 by paying statutory dues in accordance to law. The strength of the employees came down to 14 in the year 2014 as there is no business. According to the strength of the employee the company had been remitting the statutory dues to the concerned authority. Without taking the correct strength and their



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contribution the respondents have erroneously worked out statutory dues, based on the year 2012, strength of the employees in the company. Before the necessary legal action, the factory was flooded in the year 2015 and hence, it suffered heavy damages and hence, the said Helios Solutions Limited had to close the business and reported the same to the respondents and thereafter, it has decided to amalgamate with Indrayani Biotech Limited (petitioner herein) along with another Company. Before the amalgamation proceedings could be completed, the entire world was hit with covid pandemic situation, as a result, the said amalgamation process got delayed. Thereafter, the National Company Law Tribunal, Division Bench at Chennai has passed an order under Section 232 of Companies Act amalgamating Helios Solutions Limited with Indrayani Biotech Limited. Thereafter, the respondents have served the impugned notice on the erstwhile company calling upon it to pay a sum of Rs.1,36,126/- and the erstwhile company has also appeared before the second respondent and explained their position, however, their request has not been considered. Hence, the writ petition.

3.The learned counsel for the petitioner would submit that though this



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writ petition has been filed to quash the proceedings bearing No.TN/Ins.VIII/51-00-091688-000-0607/C18 Adhoc dated 01.12.2014 and 01.04.2015 of the first respondent and proceeding bearing No.TN/RECY/EC-15/51-51000916880000607/CCR-73173-96768 dated 04.02.2022 of the second respondent, now the petitioner undertakes to pay the demand amount as per the impugned order passed by the respondents by way of 12 instalments.

4.The learned counsel for the respondents would submit that they have no serious objection for payment of aforesaid amount by way of installments.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.In view of the undertaken given by the petitioner that the amount will be paid by way of ten equal monthly installments, this Court is inclined to pass the following order:

(i).The petitioner/Management is directed to pay the amount of



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Rs.2,16,132/- in ten equal monthly installments to the respondents without any default.

(ii) the first installment will commence from 01.04.2022 and also directed to pay the aforesaid amount on or before 10th day of every succeeding English calendar month. If any default on the side of the petitioner regarding the payment, the respondents are permitted to proceed in accordance with law.

(iii) In the meantime impugned order proceeding bearing No.TN/RECY/EC-15/51-51000916880000607/CCR-73173-96768 dated 04.02.2022 of the second respondent is kept in abeyance.

7. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.04.2022

Dua
Internet: Yes

To



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- 1.The Hon'ble Mr.Justice D.Hariparanthaman (Retd.),
Administrator – IELC,
No.47, Eldamus Road,
Teynampet, Chennai-18.

D.KRISHNAKUMAR, J.

Dua

- 2.The Director,
State Council of Educational and Research Institute,
Chennai.
- 3.The Principal,
District Institute of Education and Training,
Ranipet-632 401, Ranipet District.
- 4.The Chief Educational Officer,
Tirupattur – 635 601,
Thirupattur District.
- 5.The Administrator,
Concordia Teacher Training Institute – IELC,
Mission Compound,
Ambur-635 802, Vellore District.

W.P.No.7571 of 2022
and W.M.P.No.7570 of 2022

07.04.2022



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mst

W.P.No.27433 of 2009

02.02.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 27433 of 2009

1. M.Athimoolam (Deceased)
2. Vijayalakshmi
3. Jansirani
4. Nareshkumar
6. Kathick Kumaran
(P2 to P6 substituted as LR's of
deceased sole petitioner vide order
dated 22.10.2021)

..Petitioners

Vs

1. The Principal Secretary-cum-The Commissioner
of Survey and Settlement,
Chepauk,
Chennai-600005.
2. The Assistant Director,
Survey and Land Records,
Kancheepuram, Kancheepuram District.
3. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorarified mandamus, calling for the entire records pertaining to the order passed by the Assistant Director of Survey and Land Records, Kancheepuram District/2nd respondent here vide proceedings in Na.Ka.E2/10561/09, dated 07.12.2009 and quash the same and direct the respondents to permit the petitioner to continue to officiate as Firka Surveyor.

For Petitioners

: Mr.A.R.Suresh



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For Respondents

: Mr.T.Arun Kumar, GA – R1 to R3

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ORDER

The relief sought for by the petitioners in the writ petition is to call for the entire records pertaining to the order passed by the 2nd respondent vide proceedings in Na.Ka.E2/10561/09, dated 07.12.2009 and quash the same and direct the respondents to permit the petitioner to continue to officiate as Firka Surveyor.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the documents available on record.

3. The learned counsel appearing for the petitioners submitted that the sole writ petitioner had passed away on 31.01.2014, therefore, the present impugned show cause notice challenged by the petitioner does not require any adjudication.

4. The learned counsel appearing for the petitioner further submitted that the legal heirs of the deceased sole writ petitioner are impleaded as parties in the present writ petition and they are entitled to receive the DCRG amount of the deceased writ petitioner as per rules.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for the petitioners, the following directions are issued;



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i. The legal heirs/petitioners 2 to 6 herein are permitted to approach the respondent seeking DCRG benefit of the deceased writ petitioner.

ii. On such application is made, the respondents shall consider the same in accordance with law and pass appropriate orders, as expeditiously as possible without any further delay.

6. With the above directions, the writ petition stands disposed of. No costs.

12.11.2021

Index: Yes / No

Internet: Yes

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To

- 1.The Principal Secretary-cum-The Commissioner
of Survey and Settlement,
Chepauk,
Chennai-600005.
- 2.The Assistant Director,
Survey and Land Records,
Kancheepuram, Kancheepuram District.
- 3.The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

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12.11.2021