



WEB COPY



W.P.No.9659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9659 of 2023

and

W.M.P.No.9710 of 2023

M/s.Soundararaja Mills Ltd.,
S540, Kamarajar Salai,
Nedungadu, Karaikal,
Puducherry - 609 603.
Rep. by its General Manager.

...Petitioner

Vs

The Recovery Officer,
Employees State Insurance
Corporation Regional Office,
ESI Complex, Bouvankare Street,
Muraliarpet, Puducherry - 605 004.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to permit the petitioner to remit the sum of Rs.34,45,06/- due in terms of Garnishee order dated 16.03.2023 in proceedings No.PDY/RECY/45(G)55-00-013043-000-0101 in 15 equated monthly instalments and further direct the respondent to revoke the Garnishee order dated 16.03.2023 issued to the State Bank of India, Puducherry branch and permit the petitioner to



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operate its Bank Account No.10832886587 maintained with State Bank of India, Dindigul SME Branch and also lift the attachment order dated 15.02.2023 in proceedings No.PDY/RECY/45(G)55-00-013043-000-0101.

For Petitioner : Mr.S.Haroon
for M/s.T.S.Gopalan & Co.

For Respondent : Mr.G.Bharadwaj

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. Though the petitioner has raised several grounds, challenging the Garnishee order dated 26.12.2022, the learned counsel for the petitioner submitted that they are willing to remit the arrears of Rs.34,45,069/- under the Garnishee order dated 16.03.2023, if they are given some time to pay the amounts in installments. The learned counsel also submitted that the petitioner-Mill is facing loss for several years and also owing to the onset of the Covid-19 Pandemic, the business has been severely affected.



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3. Taking into consideration of these factors, this Court is of the view that if the petitioner is permitted to remit the arrears under the Garnishee order dated 16.03.2023 in 12 equal monthly installments, the ends of justice could be secured.

4. In the light of the above observations, the impugned Garnishee order dated 16.03.2023 is set aside. Consequently, there shall be a direction to the petitioner to pay a sum of Rs.34,45,069/- in 12 equal monthly installments, commencing from the month of April, 2023. These installments shall be paid on or before the 5th day of every month. It is made clear that in case the petitioner defaults in paying any one of the installments, the respondent-Corporation is at liberty to proceed with the recovery of the entire amount in a lump sum.

5. Accordingly, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

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Note: Issue order copy on 31.03.2023



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M.S.RAMESH,J.

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To

The Recovery Officer,
Employees State Insurance
Corporation Regional Office,
ESI Complex, Bouvankare Street,
Muraliarpet, Puducherry - 605 004.

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