



WEB COPY



W.P.No.11953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11953 of 2023
and W.M.P.No.11828 of 2023

M/s.Upshot Utility Services,
Rep. by its Proprietor - P.Madhusudhanan,
No.4, Door No.2/221, C-Ragamalika Flats,
Phase-I, Ranjani Block, Velachery Main
Road, Medavakkam, Chennai 600 100.

...Petitioner

Vs

1. The Assistant Provident Fund Commissioner
(Recovery), Employees Provident Fund
Organisation, Ministry of Labour and
Employment, Govt. of India,
Regional Office, Chennai (South),
37, Royapettah High Road, Chennai-600 014.

2. The Airport Manager,
Airport Authority of India,
Netaji Subhas Chandra Bose International
Airport, Kolkata - 700 052.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of 1st respondent in proceedings No.TN/CHN/SOUTH/51082/RECOVERY/Div.21/REGIONAL/2023 dated 07.02.2023 and quash the



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same and consequently direct the 1st respondent to grant instalment facility to the petitioner and further direct the 1st respondent to revoke its order dated 06.07.2022 issued to the 2nd respondent.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeerahamed

For Respondents : Mr.R.Vishnu
for R1

ORDER

By consent of both sides, the main writ petition has been taken up for final hearing.

2. The limited prayer sought for in this writ petition is to pay the demand made by the respondents for an amount of Rs.1,07,55,717/- (Rupees One crore seven lakh fifty five thousand seven hundred seventeen only) towards interest and damages in instalments, which request has been rejected through the impugned order dated 07.02.2023.

3. Learned Senior Counsel appearing for the petitioner had placed reliance on the Circular of the first respondent herein dated 11.02.2024, which facilitates payment of the demand amount in 36 instalments.



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However, the learned counsel for the first respondent submits that if the amount is paid in 12 instalments, it would be acceptable.

4. Learned Senior Counsel for the petitioner also agreed that the amount will be paid in twelve (12) equal monthly instalments and that he may be permitted to pay in twelve (12) instalments.

5. In the light of the submissions made, the petitioner Company is called upon to pay the demand amount of Rs.1,07,55,717/-(Rupees One crore seven lakh fifty five thousand seven hundred seventeen only) in 12 (twelve) equal monthly instalments, commencing from the month of May, 2023 and the first instalment shall be paid on or before 5th May, 2023 and the remaining instalments shall be paid on every 5th of succeeding month.

6. It is made clear that if the petitioner defaults in any one of the instalments, the respondents would be at liberty to proceed against the petitioner Company for claiming the amount in whole.



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M.S.RAMESH,J.

sr

7. In view of the aforesaid order, the Garnishee Order dated 06.07.2022 is set aside and the writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.04.2023

Index:Yes/No

Speaking order/Non-speaking order

sr

To

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Organisation, Ministry of Labour and
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