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W.P.No.950 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P No.950 of 2024 and
W.M.P.Nos.993 and 994 of 2024

M/s.Visanthi and Co

...Petitioner

Vs.

1. The Deputy Director,
Employees' State Insurance Corporation,
Sub-Regional Office,
1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore – 641 045.

2. The Recovery Officer,
Employees' State Insurance Corporation,
Sub-Regional Office,
1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore – 641 045.

3. The Branch Manager,
Axis Bank
Thudiyalur Branch,
SF 45, Mettupalayam Road,
Vadamadurai Post,
Thudiyalur, Coimbatore – 641 017.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the 2nd respondent in Ref.No.CBE/RECY/CP-3/56/108089/1009 dated 21-12-2003 and quash the same consequently directing the 2nd respondent to defreeze the account of the petitioner and accept the remaining outstanding determined amount of Rs.10,28,749/- which includes contribution, Interest and costs into 24 equal monthly installments to facilitate to remit the pending dues.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mrs.S.Jayakumari,
Standing Counsel

ORDER

The Writ Petition is filed challenging the order dated 21.12.2023 with further direction to defreeze the account of the petitioner and accept the outstanding dues of Rs.10,28,749/- which includes contribution etc in 24 equal monthly installments.

2. With the consent of both the learned counsels, this Writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner states that he is ready to pay the



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outstanding dues of Rs.10,28,749/- for recovery of which amount the impugned order dated 21.12.2023 is passed, in 24 equal monthly installments and also states that unless the account is defreezed, he may not be able to make the payments.

4. The learned counsel for the respondent states that the amount is not very huge and therefore the petitioner may be directed to pay the said amount in 8 monthly equal installments instead of 24.

5. Heard both the counsels. Considering the limited prayer of the petitioner, the petitioner is directed to pay outstanding dues of Rs.10,28,759/- in 8 monthly equal installments, payable on or before 10th of every month. The first installment shall be paid on or before 30.01.2024 of this month.

6. In view of the submission of the learned counsel for the petitioner, the second respondent is directed to defreeze the account. It is made clear that if the petitioner defaults in payment of the installments as stated above, the respondent shall be at liberty to take further enforcement action in accordance



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with the law.

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7. The Writ petition is accordingly allowed with the above directions and consequently, all the connected miscellaneous petitions are closed. No Costs.

18.01.2024

Note: Issue Order copy on 18.01.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

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Coimbatore – 641 045.

2. The Recovery Officer,
Employees' State Insurance Corporation,
Sub-Regional Office,
1897, Trichy Road,
Panchdeep Bhavan,

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Ramanathapuram,
Coimbatore – 641 045.

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3. The Branch Manager,
Axis Bank
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N.MALA,J.

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