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W.P.Nos.36711, 36759 & 32884 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.Nos.36711, 36759 & 32884 of 2015

and

W.M.P.Nos.1,1,1,2 & 2 of 2015

A.L.Ramachandra
Ex. Managing Director,
VTX Industries Limited (Under Liquidation)
No.10/400, Palghat Road,
Kuniamuthur,
Coimbatore – 641 008.

... Petitioner in all W.P's.

Vs.

1. The Official Liquidator,
High Court of Madras,
Chennai – 600 104.
2. The Sub-Regional Office,
Employee's State Insurance Corporation,
Panchadeep Complex, 1897,
Trichy Road, Ramanthapuram,
Coimbatore.
3. The Recovery Officer,
The Sub-Regional Office,
Employee's State Insurance Corporation,
Panchadeep Complex, 1897,
Trichy Road, Ramanthapuram,
Coimbatore.

... Respondents in all W.P's.



W.P.Nos.36711, 36759 & 32884 of 2015

PRAYER in W.P.Nos.36711/2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the Impugned Notice 07.01.2014 bearing the Ref.No.56000070740000101/CP/106215 passed by the third respondent quash the same as illegal.

PRAYER in W.P.Nos.36759/2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the Impugned Notice 12.12.2013 bearing the Ref.No.56000070740000101/CP/104601 passed by the third respondent quash the same as illegal.

PRAYER in W.P.Nos.36759/2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the Impugned Notice 12.12.2013 bearing the Ref.No.56000070740000101/CP/83737 passed by the third respondent quash the same as illegal.

For Petitioners : Mr.M.Aravind Subramaniam

For Respondents : Ms.S.Jayakumari for R2 & R3
(in W.P.No.32884/2015)
: No appearance for R1

For Respondents : Mr.S.P.Srinivasan for R2 & R3
(in W.P.Nos.36759
& 36711/2015)
: No appearance for R1



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COMMON ORDER

These Writ Petitions are filed challenging the impugned notice dated 07.01.2014 & 12.12.2013 passed by the third respondent demanding a sum of Rs.1,67,023/- & Rs.31,028/-.

2. The petitioner was running an industry by name VTX Industries and due to global recession and various other factors, the company took a decision to wind up and as per the directions of this Court, all the affairs of the company went into the hands of the first respondent. The third respondent had issued an impugned notice dated 07.01.2014 & 12.12.2013 demanding a sum of Rs.1,67,023/- & Rs.31,028/-.

3. Mr.M.Aravind Subramaniam, the learned counsel for the petitioner, submitted that the petitioner had earlier filed a Writ Petition in W.P.No.29598/2015 seeking the same relief and this Court on 19.12.2023 has allowed the same. He further submitted that these writ petitions can also be disposed on the same lines as of the order in W.P.No.29598/2015 dated 19.12.2023.



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4. Mr.S.P.Srinivasan & Ms.S.Jayakumari, the learned counsel for the second and third respondent is also in agreement with the submission of the learned counsel for the petitioner.

5. This Court, vide order dated 19.12.2023 made in W.P.No.29598/2015 has passed the following order:

“ 3. The second respondent had filed an application before the first respondent however, as per the letter dated 19.02.2022 it was intimated to the second respondent that the second respondent has submitted the claim in FORM 66 belatedly and the second respondent office was advised to resubmit the same after getting the delay condoned by this Court. In response to the same the second respondent has addressed a letter dated 06.10.2022 to the first respondent/Official liquidator stating that though the second respondent has received a notice in letter dated 19.09.2022 from the first respondent, original FORM 66 was not received along with the said letter.

4. Considering the submissions made by both the sides and on perusal on the records, it is clear that since VTX industries went into liquidation and that the first respondent liquidator has taken control of VTX industries, the impugned notice dated 27.09.2013 demanding the petitioner to pay Rs.1,38,638/- is erroneous. Once the VTX industries has already been liquidated and an official liquidator has already been appointed, the second respondent



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should have sent the demand to the first respondent and not to the petitioner. Having realized the same, the second respondent has sent a fresh notice to the first respondent but belatedly. Thereby, the second respondent is expected to approach the Court and get the delay condoned and only then if the application is in proper format the first respondent will process the same.

5. Accordingly, this writ petition is allowed and the impugned notice addressed to the petitioner is quashed. Further, the petitioner herein is exonerated from all the liabilities under the ESI Act insofar as VTS Industries, Coimbatore, is concerned. The second respondent, has to settle the demand of dues under the ESI Act in respect of VTX Industries only with the first respondent. Since FORM 66 stated to have not been returned by the first respondent to the second respondent, the first respondent is directed to return FORM 66 as quickly as possible, so that the second respondent will initiate proceedings to condone delay in submitting the application. Consequently, connected writ miscellaneous petition is closed. No costs”

6. Since the relief sought in the present writ petitions are also same, I feel these writ petitions can also be disposed in the same lines and terms adopted in the order dated 19.12.2023 made in W.P.No.29598/2015.



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7. Thus, these writ petitions are disposed in the terms followed in the order dated 19.12.2023 made in W.P.No.29598/2015. No costs. Connected miscellaneous petitions are closed.

18.09.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

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R.N.MANJULA, J.

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