



WEB COPY



W.P.No.12756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.12756 of 2024

Kathiresan Nachimuthu

...Petitioner

Vs.

1. The Central Board of Trustees, EPF,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi – 110 066.
2. The Regional Provident Fund Commissioner -I,
Regional Office, S-1, TNHB, Phase 111,
Sathuvachari,
Vellore – 632 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the representations dated 27.11.2023.

For petitioner : Mr.Vijay R.Sekar
For R1 and R2 : Mr.P.K.Paneer Selvam

ORDER

This writ petition has been filed seeking for a direction to consider the petitioner's representation dated 27.11.2003.



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2. It is submitted by the learned counsel for the petitioner is the liquidator appointed by NCLT for liquidation of UNISCO under Section 33 of the Insolvency and Bankruptcy Code of India, 2016. During the CIRP proceedings the resolution professional issued a letter to the first respondent for waiver of penal damages to the tune of Rs.1,27,41,157/-. However, there was no response from the first respondent. The principal amount to be paid by the UNISCO was already paid between the year 2020-2023 and in the mean time, UNISCO went into liquidation. The petitioner/liquidator sought for waiver of interest and penal charges which were also requested in the year 2019 by the then resolution professional. The liquidator has submitted a representation dated 25.04.2023 and has sent emails and done phone calls to the first respondent requesting to waver the interest and penal changes to the tune of Rs.1,27,41,157/-.

3. Mr.P.K.Paneer Selvam, has taken notice for the respondents has submitted that the petitioner can request for wavier in sofar as damages are concern, however, as far as interest is concern wavier cannot be asked for. It is submitted that even in respect of wavier of damages the decision will have to be taken by the first respondent.



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4. Keeping these things aside, representation has been submitted by the petitioner/liquidator of the UNISCO, the respondents should have replied suitably by following due process in respect of the waiver as sought for by the petitioner. By not considering the representation of the petitioner dated 25.04.2023 has resulted in filing of this writ petition by the petitioner.

5. In view of the above and considering the submissions made by both sides, this writ petition is disposed at the admission stage itself by directing the first respondent to dispose of the petitioner/liquidator representation dated 25.04.2023 as quickly as possible not later than two months from the date of receipt of a copy of this order.

04.06.2024

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

Dr.D.NAGARJUN,J

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To
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