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W.P.No.12701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12701 of 2025

M/s.Parktown Co-operative Wholesale Stores Ltd.,  
No.G-133, 1<sup>st</sup> Main Road,  
Anna Nagar East, Chennai – 600 102,  
Rep. by its Joint Registrar.

...Petitioner

Vs.

The Recovery Officer,  
Office of the Recovery Officer,  
Employees State Insurance Corporation,  
Regional Office,  
143, Sterling Road,  
Nungambakkam, Chennai – 600 034.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to permit the petitioner to remit the balance amount as against the recovery notice dated 05.11.2024 in proceedings number TN/RECY/EC-15/51000182730001099/CCR-Various CCR by way of 35 equated monthly installments commencing from the month of April 2025.



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For Petitioner : Mr.Anand Gopal  
for M/s.Agam Legal Advocates

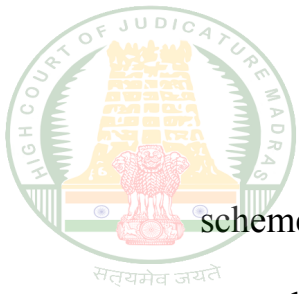
For Respondent : Mr.M.Palanimuthu

**ORDER**

The petitioner has filed this Writ petition seeking direction to the respondent to permit the petitioner to remit the balance amount as against the recovery notice dated 05.11.2024 in proceedings number TN/RECY/EC-15/51000182730001099/ CCR-Various CCR by way of 35 equated monthly installments commencing from the month of April 2025.

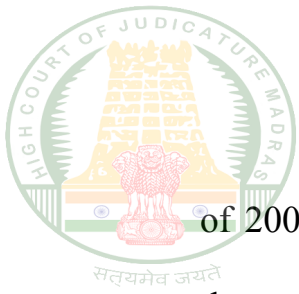
2. Mr.M.Palanimuthu, learned counsel takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that it is a co-operative society registered under the Tamil Nadu Co-operative Societies Act, functioning under the Registrar of societies on the subsidy provided by the Government of Tamil Nadu and its main object is to primarily implement the Government welfare



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schemes by establishing fair price shops through which essential commodities are sold to the consumers on a subsidized rate and there are about 290 shops situated in Chennai North Zone. The employees of the petitioner society and the shops which are under the society are covered under the provisions of the ESI scheme. However, the petitioner faced certain difficulties in making contributions for the period of 97-98, for which, though the principal and interest were paid by the petitioner for the relevant period, however, the damages in terms of Section 85B for the aforesaid belated remittances claimed by the office of the respondent were not paid. Further, the respondent also sent a demand notice in respect of contract workmen claiming contribution for the period 1993-97, 1997-98 and 2001-2002 and subsequently, a recovery notice also came to be issued, which was challenged before the ESI Court, Chennai in EIOP.No.91 of 2005 and an application for the amendment in the petition was filed in the above case, however, the same was dismissed by the ESI court, which was challenged before this Court in Writ Petition No. 5805 of 2015 and the same was also dismissed with a liberty to file CRP before the Revisional Court and in compliance of the said order, the petitioner filed CRP.(PD).No.2750 of 2016 before this Court of Madras, however, the same was withdrawn and subsequently the EIOP.No.91



of 2005 was also dismissed as withdrawn on 25.10.2021. While such being the case, after a lapse of about four years, the respondent issued a demand notice dated 05.11.2024 to the petitioner and only upon receipt of which, the petitioner came to know that the amount due were not paid to the respondent. Despite the petitioner being a non profit organization and running under loss, the petitioner paid the principal amount for the contributions 1993-97, 2001-02 and 1997-98 and on 10.03.2025, the petitioner also paid a sum of Rs.5,69,937/- towards the interest claimed by the respondent in the recovery notice, which was not taken into consideration. Hence, the petitioner has filed this Writ petition seeking to permit them to remit a sum of Rs.28,49,682/- still due towards interest by way of equated 35 monthly installments.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondent to permit the petitioner to remit the determined amount of Rs.28,49,682/- towards interest by way of equated 35 monthly installments.

5. On the above said contentions, heard learned counsel appearing on behalf of the respondent and perused the materials available on record.



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6. In view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permits the petitioner to remit the demand amount of Rs.28,49,682/- by way of Twenty Five (25) equated monthly installments, commencing from 7<sup>th</sup> May, 2025 and the petitioner shall pay the installments on or before 7<sup>th</sup> of every succeeding English Calendar month, failing which, it is open to the respondent to initiate appropriate action against the petitioner in accordance with law.

7. With the above directions, this Writ Petition stands disposed of. No costs.

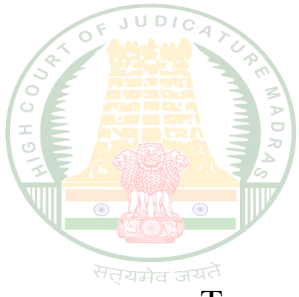
**09.04.2025**

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NCC : Yes/No  
Index : Yes/No  
Speaking Order : Yes/No

**M.DHANDAPANI, J.**

skt



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To:

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