

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5597 of 2015 (Y)

PETITIONER(S):

**RUBCO HUAT WOODS PVT LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR
SRI.P.V.HARIDASAN, ERANHOLI, THALASSERY
KANNUR DISTRICT-670107.**

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S):

- 1. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, P.B.NO.117, V.K.COMPLEX
FORT ROAD, KANNUR DISTRICT-670001.**
- 2. THE RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, V.K.COMPLEX
KANNUR DISTRICT-670 012.**

R BY DR.ABRAHAM P.MEACHINKARA, SC, EPF ORG.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1: COPY OF THE LIST SHOWING THE OUTSTANDING AMOUNTS DUE TO THE PETITIONER FROM GOVERNMENT DEPARTMENTS.**
- EXT.P2: COPY OF THE NOTICE OF DEMAND DATED 4.12.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- EXT.P3: COPY OF THE WARRANT OF ATTACHMENT OF MOVABLE PROPERTY CAUSED TO BE ISSUED BY THE 2ND RESPONDENT DATED 15.01.2015.**
- EXT.P4: COPY OF THE MAHAZAR DATED 15.01.2015 DRAWN UP BY THE ENFORCEMENT OFFICER, A COPY OF WHICH WAS HANDED OVER TO THE PETITIONER.**
- EXT.P5: COPY OF THE LIST OF MOVABLE PROPERTIES ATTACHED BY THE ENFORCEMENT OFFICER AND ATTESTED BY HER.**
- EXT.P6: COPY OF THE JUDGMENT DATED 13.10.2014 OF THIS HON'BLE COURT IN WPC.NO.26488/2014.**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.5597 of 2015 - Y

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Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner, a defaulter in remitting the EPF dues to the 1st respondent Organisation, is before this Court challenging the recovery proceedings initiated against him. The liability and the default is admitted. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of on the following terms:-

(i) The petitioner shall produce a certified copy of this judgment before the 1st respondent within two weeks of receipt of the same.

(ii) The 1st respondent shall grant twelve monthly instalments for the payment of the balance dues, starting from 23.03.2015 and followed up on 23rd of each succeeding month.

(iii) Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default.

(v) On the petitioner making two consecutive defaults, the recovery steps initiated shall revive and continue.

(vi) On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable.

Writ Petition is disposed of as above, making it clear that the respondent will be free to proceed with the recovery if the above conditions are not complied with.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge