

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17641 of 2015 (E)

PETITIONER :

**M/S. SOPANAM POWDER COATINGS,
20B, DEVELOPMENT PLOT, PERINGANDOOR POST,
ATHANI, 680581, REPRESENTED BY PROPRIETOR,
BEENA SOMAN, W/O.K.K.SOMAN**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY**

RESPONDENTS :

- 1. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND, KALOOR.**
- 2. EMPLOYEES PROVIDENT FUND OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
DISTRICT OFFICE, THRISSUR**
- 3. ENFORCEMENT OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATIONS,
DISTRICT OFFICE, THRISSUR**

**BY DR.S.GOPAKUMARAN NAIR SENIOR ADVOCATE
BY ADV. SRI.A.RAJASIMHAN,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE PHOTOCOPY OF THE INSPECTION REPORT OF THE 3RD
RESPONDENT.
- P2: THE TRUE PHOTOCOPY OF THE DUES STATEMENT UPTO MARCH 2015 OF
THE 3RD RESPONDENT.
- P3: THE TRUE PHOTOCOPY OF THE APPLICATION BEFORE THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17641 of 2015

Dated this the 12th day of June, 2015

J U D G M E N T

The petitioner has approached this Court seeking for instalment facility to clear the arrears and for keeping in abeyance the recovery proceedings initiated by the respondents.

2. The petitioner is conducting a small powder coating unit for the last several years. The petitioner alleges that the unit is in loss and in complete financial crisis from the year 2013. According to the petitioner, all the arrears up to 2013 has been paid in time; and thereafter, as the business slowed down, she could not clear the arrears. Now, the 2nd respondent, on inspection, issued report stating that a sum of ₹1,72,121/- is due from the petitioner's unit and issued a dues statement up to March 2015. The petitioner submitted an application before the 1st respondent for instalment facility. The petitioner's grievance is that coercive proceedings including warrant

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has been initiated by the 3rd respondent without conducting any hearing. According to the petitioner, the issuance of such coercive proceedings without notice is illegal, arbitrary, unreasonable and against the principles of natural justice. Hence, this writ petition.

3. Arguments have been heard.

4. Today, when the matter was taken up, the learned counsel for the petitioner confined his argument for instalment facility to clear off the entire dues in 12 equal monthly instalments.

Therefore, the writ petition is disposed of directing the petitioner to clear off the entire dues in 12 equal monthly instalments starting from 01.07.2015. Coercive action shall be kept in abeyance.

In the event of failure on the part of the petitioner in remitting two consecutive instalments, it shall be open to the respondents to revive the coercive action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-