

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 19540 of 2015 (N)

PETITIONER(S):

**M/S. MARYAN APPAREL PVT. LIMITED,
IGC, INDUSTRIAL GROWTH CENTRE, KSIDC,
VALIYAVELICHAM, MOORIYAD P.O., KOOHUPARAMBA,
KANNUR - 670 643, REPRESENTED BY ITS
MANAGING DIRECTOR, THOMAS OLICKAL.**

BY ADV. SRI.ALEXANDER JOSEPH.

RESPONDENT(S):

- 1. THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, P.B. NO.117, V.K. COMPLEX,
FORT ROAD, KANNUR - 670 001.**
- 2. THE ASSISTANT PROVIDENT FUND COMMISSIONER
& RECOVERY OFFICER, EMPLOYEES' PROVIDENT
FUND ORGANIZATION, REGIONAL OFFICE,
P.B. NO.117, V.K. COMPLEX, FORT ROAD, KANNUR -670 001.**

BY ADV. DR.ABRAHAM P.MEACHINKARA, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE RECOVERY CERTIFICATE DATED 07/04/2015.
- P2: TRUE COPY OF NOTICE DATED 17/12/2014 DEMANDING INTEREST.
- P3: TRUE COPY OF THE NOTICE DATED 27/05/2015 ISSUED BY THE
2ND RESPONDENT.
- P4: TRUE COPY OF THE WARRANT DATED 27/05/2015.
- P5: TRUE COPY OF THE APPLICATION DATED 24/06/2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19540 of 2015

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Dated this the 30th day of June, 2015

JUDGMENT

Aggrieved by the recovery proceedings initiated against the petitioner for realisation of Employees Provident Fund dues, the petitioner has come up before this Court.

2. The petitioner is a textile manufacturing company employing 400 and more workers. Due to lack of orders, the petitioner company is in deep financial trouble and unable to pay monthly wages. The Employees' Provident Fund contribution due to the respondents became over due and the 2nd respondent issued Ext.P1 demanding ₹16,67,43/- towards Employees' Provident Fund contribution and Ext.P2 demanding interest of ₹6,50,555/-. The respondents have also issued Ext.P4 warrant attaching movables of the petitioner.

3. The petitioner states that he is ready and willing to pay the amount in installment. Therefore, they filed Ext.P5 application. The

grievance of the petitioner is that if the movable properties are attached, it would cause irreparable injury to them. Hence, this writ petition.

4. I have heard the learned counsel for the petitioner and learned standing counsel for the respondents.

5. The learned counsel for the petitioner has confined his argument to the limited prayer for installment facility.

Therefore, this writ petition is disposed of directing the respondents to allow the petitioner to pay the amount claimed as per Exts.P1 to P4 in 12 equal monthly installments starting from 3.8.2015. Till that, coercive steps shall be kept in abeyance.

It is hereby made clear that in the event of failure to pay two monthly installments consecutively, it is open to the respondents to proceed with the recovery action.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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