

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 23127 of 2015 (M)

PETITIONER :

**THE MALAPPURAM CO-OPERATIVE SPINNING MILLS LTD,
DOWN HILL POST, MALAPPURAM-676519
REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADVS.SRI.K.ANAND (SR.)
SMT.LATHA KRISHNAN
SRI.M.N.RADHAKRISHNA MENON**

RESPONDENT :

**ASSISTANT P.F. COMMISSIONER,
EMPLOYEES' PROVIDENT FUND
ORGANIZATION SUB-REGIONAL OFFICE
BHAVISHYANIDHI BHAVAN, ERANHIPALAM.P.O
CALICUT-673006.**

R1 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE BALANCE SHEET AND PROFIT & LOSS ACCOUNTS FOR
THE YEAR 2014-15
- P2: TRUE COPY OF DEMAND NOTICE NO.KR/KK/10004/ENF.DAM 3(1/7Q/2015/2595
DATED 06.07.2015 ISSUED BY THE RESPONDENT IMPOSING INTEREST.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23127 of 2015

Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner has approached this Court seeking permission to pay off the dues to the respondent in instalments.

2. The petitioner, who is a textile mill working under the co-operative sector, alleges that it is running at a loss. According to the petitioner, it is currently running with the financial support from the State Government and is operating only for giving employment to its workers. It is further alleged that the mill is working intermittently and partial lay-off and no-work are regular features and due to financial difficulties, wages are not being paid to their employees in time. During the year 2014-15, the budget allotment of funds to the mills has not been released fully and amount was transferred to the electronic ledger account and the release of the entire

..2..

allotted amount is awaited from the Government. On account of the financial difficulties, the EPF contribution for the period from July, 2013 to October, 2014 could be paid belated. For this, the respondent issued Ext.P2 claiming ₹7,88,552/- by way of interest. Hence, the petitioner has approached this Court seeking permission to pay off the dues in 12 monthly installments.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

As the limited prayer in this writ petition is for an instalment facility, this writ petition is disposed of permitting the petitioner to pay off the amount covered in Ext.P2 in 12 equal monthly instalments starting from 17.08.2015. If the petitioner fails in remitting two instalments consecutively, it shall be open to the respondent to proceed with the recovery action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-