

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA,
1937

WP(C).No. 35265 of 2015 (G)

PETITIONER(S):

MANAGING DIRECTOR,
M/S. RUBCO COMPOUND MIXING PLANT,
VALIYAVELICHAM,
KUTHUPARAMBA, KANNUR – 670 643.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S):

1. ASSISTANT PROVIDENT FUND COMMISSIONER (C&R),
EMPLOYEES' PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, P.B. NO. 117,
V.K. COMPLEX, FORT ROAD,
KANNUR DISTRICT – 670 001.
2. THE RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, V.K. COMPLEX,
FORT ROAD, KANNUR DISTRICT – 670 001.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC. 35265 OF 2015.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF THE ASSESSMENT ORDER DATED 11.9.2015 PASSED BY THE 1ST RESPONDENT.

EXT. P2: TRUE COPY OF THE LIST SHOWING THE ACCUMULATED LOSSES OF RUBCO AND ITS GROUP COMPANIES.

EXT. P3 : A TRUE COPY OF THE ORDER DATED 9.10.2015 ISSUED BY THE 1ST RESPONDENT TO M/S. ICICI BANK, KANNUR.

EXT. P4 : TRUE COPY OF THE CERTIFICATE OF RECOVERY FORWARDED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 16.10.2015.

EXT. P5 : TRUE COPY OF THE DEMAND NOTICE DATED 2.11.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT. P6 : TRUE COPY OF THE JUDGMENT DATED 8.4.2015 PASSED BY THIS HON'BLE COURT IN W.P.(C) NO. 11718/2015.

P. BHAVADASAN, J.

W.P.(C) No. 35265 of 2015

Dated this the 21st day of November, 2015.

JUDGMENT

The limited prayer in this petition by the petitioner, who has been directed to remit Rs.36,53,227/- towards consideration to the Provident Fund, is to allow him to pay the said amount in 15 equal monthly instalments commencing from 20.12.2015.

2. After having bestowed anxious consideration to the facts of the case, it is felt that the prayer made is reasonable.

3. The petitioner shall pay the entire dues in 15 equal monthly instalments. The first instalment shall be paid on or before 20.12.2015 and the subsequent instalments on or before the 20th of the succeeding months. If the petitioner commits default in payment of any one instalment, the respondents are free to proceed against the petitioner. Till

then, coercive proceedings against the petitioner shall be kept in abeyance.

This writ petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE