



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15125 of 2015

and

M.P(MD)No.1 of 2015

R.Indra,
Managing Director,
M/s.CP Spinning Mills Private Limited.,
Palani,
Dindigul District.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner,
Regional Office,
Madurai.

2.The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai - 625002.

3. The Enforcement Officer,
Employees Provident Fund Organization
Dindigul

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus forbearing the respondents from bringing the movable property of the petitioner namely spinning machine (Ring Frame) 1008 spindles bearing make Name LMW Lakshmi Machine Works, LG51 type of the year 1999 which was attached by the third respondent pursuant to the attachment order passed by the second respondent, dated 17.07.2015 not otherwise due process of law.

For petitioner : Mr.B.Prahalad Ravi for
M/s.Hallmark Associates

For Respondents : Mr.K.Murali Shankar

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus forbearing the respondents from bringing the movable property of the petitioner namely spinning machine (Ring Frame) 1008 spindles bearing make Name LMW Lakshmi Machine Works, LG51 type of the year 1999, which was attached by the third respondent pursuant to the attachment order passed by the second respondent, dated 17.07.2015, not otherwise due process of law.



2. Mr.K.Murali Shankar, learned counsel takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. A reference to the attachment order dated 17.07.2015 would show that as on date a sum of Rs.340776.00/- was payable by the petitioner towards the contribution under the Employees Provident Fund Act.

5. The learned counsel for the petitioner submitted that in an identical circumstances, this Court has directed the petitioner to pay the arrears in equal monthly installments in W.P.No.2824 of 2006 in the case of R.D.34, Ariyakudi Primary Agriculture Co-operative Bank, Ariyakudi vs. The Assistant Provident Fund Commissioner and two others. He further submitted that following the same, similar order could be passed in this Writ Petition and he has also produced a copy of the order.

6. The learned counsel for the respondents also agreed for the same.

7. In view of the same, the petitioner shall pay a sum of Rs.50,000/- towards arrears of contribution under the Employees Provident Fund Act. , within a period of two weeks from the date of receipt of a copy of this order. The balance of Rs.2,90,776/- shall be paid at the rate of Rs.30,000/- per month, the first installment commencing from 1st September and every monthly installments shall be paid within the fifth day of the every month, without default. Further, on payment of first installment of Rs.50,000/- the second and third respondent are directed to remove the seal of the petitioner and hand over the key to the petitioner premises. In default payment, the respondents are entitled to initiate appropriate action.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Pm

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1.The Regional Provident Fund Commissioner, Regional Office, Madurai.

2.The Recovery Officer, Employees Provident Fund Organization, Regional Office, Lady Doak College Road, Chokkikulam, Madurai - 625002.

3. The Enforcement Officer, Employees Provident Fund Organization Dindigul.

1CC to M/s. HallMark Associates, SR.No.48317

1CC to Mr.K. Murali Shankar, SR.No.48337

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2P/6C

<https://hcservices.courts.gov.in/hcservices/> 28.08.2015.