

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.4274 OF 2015

ORDER:

Heard the learned counsel for petitioner and Sri R.N.Reddy, learned Standing Counsel for the respondents.

2. With the consent of the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal.

3. The petitioner though puts forward several contentions against the orders impugned, the underlying idea in these submissions is to obtain reasonable instalments for payment of balance provident fund dues amounting to Rs.10,27,590/- as there was delay or default in payment, resulting in the respondents attaching the immoveable properties to an extent of Ac.1.20 cents and Ac.3.12 cents in R.S.Nos. 162/2 and 171/1 respectively situated at Suryarao palem village. Hence, the present writ petition.

4. The learned counsel for petitioner submits that the effort of petitioner to secure twelve monthly instalments in payment of the above sum is receiving favourable consideration and at this stage of the matter the attachment is effected. He requests the Court to consider granting twelve monthly instalments for repayment of provident fund dues.

5. Sri R.N.Reddy, learned Standing Counsel, firstly contends that granting of instalments is not provided under the Act and that the amounts are to be paid in accordance with law and the default attracts attachment, coercive recovery etc. He alternately submits that the request of twelve monthly instalments is unreasonable and not compatible to the scheme of recovery provided for under the Act. With a view to give fair and reasonable opportunity, the learned counsel submits

that six monthly instalments would suffice for repayment.

6. Perused the material available on record and also few payments made by the petitioner. The petitioner is not joining the issue on the quantum payable by the petitioner under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 due to circumstances beyond the control, instalments are prayed for.

7. To meet the ends of justice and to prevent the entity from suffering irreparable loss or hardship, this Court considers it appropriate to grant eight (8) monthly instalments to the petitioner starting from 01.03.2015. In default of any one of the instalments, it is open to the respondents to proceed in accordance with law. The respondents are directed to pass appropriate order recalling the attachment already effected.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

S.V. BHATT, J

Date: 24.02.2015

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