

**HONOURABLE SRI JUSTICE RAJA ELANGO**

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**WRIT PETITION NO:20235 OF 2010**

**ORDER:**

1. This writ petition is filed seeking to declare the recovery proceedings certificate vide No.AP/SRO/KRN/ENF/23768/8B/2006/KNR/13, dated 17.11.2009 and consequential proceedings AP/SRO/KRN/REC/KRN/Z-II/AP/23768/2009, dated 17.11.2009 issued by the 1<sup>st</sup> respondent, as illegal and contrary to the provisions of the Employees Provident Funds & Miscellaneous Provisions Act.

2. Brief facts of the case are as follows:

The 1<sup>st</sup> petitioner is the Managing Partner of the Alekha Deluxe Theatre and the same is covered under the Employees Provident Fund and Miscellaneous Provisions Act (for short, 'the Act'). The 1<sup>st</sup> respondent passed an order for payment of the provident fund dues from October, 2001 to May, 2002 and June, 2002 to June, 2009. Accordingly, the 1<sup>st</sup> petitioner paid the provident fund dues from October, 2001 to May, 2002 on 18.11.2009. The 1<sup>st</sup> respondent conducted enquiry and passed order dated 30.9.2009 determining the arrears towards due levied/assessed under Section 7A of the Act and the interest charged under Section 70 of the Act. Thereafter, the 1<sup>st</sup> respondent issued recovery certificate dated 17.11.2009. Challenging the same, the present writ petition has been filed.

3. While admitting the writ petition on 18.8.2010, this Court granted interim suspension on condition of the petitioners paying all the dues in 15 monthly installments starting from 5.9.2010.

4. The respondents filed vacate stay petition. It is submitted by the learned Counsel for the respondents that the petitioners paid only Rs.80,000/- , and Rs.1,38,000/- is due to be paid.

5. Considering the facts and circumstances of the case, the writ petition is disposed of with the following direction:

“The petitioners are directed to pay the balance amount due to the 1<sup>st</sup> respondent in six equal instalments by the end of 15<sup>th</sup> December, 2015. Till such time, the interim suspension granted by this Court on 18.8.2010 shall operate. In case, the petitioners fail to pay the balance amount due to the 1<sup>st</sup> respondent by 15<sup>th</sup> December, 2015, the respondents are at liberty to proceed in accordance with law.”

No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

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**Justice Raja Elango**

Date:10.3.2015

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