

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No. 32202 of 2015

BETWEEN

M/s.Impact Metals Limited.

... PETITIONER

AND

Employees Provident Fund Organization and others

...RESPONDENTS

Date of Order pronounced: 01.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No
fair copy of the Judgment?

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ORDER:-

Petitioner questions the Recovery Certificate issued under Section 8B of EPF & MP Act, 1952, which shows that an amount of about Rs.46 lakhs is due and payable by the petitioner for which recovery is proposed to be made. Petitioner filed a representation before the Regional Provident Fund Commissioner on 28.09.2015 along with the Demand Draft for Rs.3,00,000/- and requested facility of payment of the amount in instalments. However, the recovery officer rejected the request on the ground that there is no provision to provide instalment facility. The present writ petition is filed questioning the Recovery Certificate *inter alia* on the ground that petitioner-Industry is trying to revive itself by pumping in funds and if some time is granted to the petitioner with suitable instalments, it will be able to liquidate the entire liability.

2. Learned standing counsel for the respondents reiterated that under the Act no such facility of instalments can be granted.

3. After hearing learned counsel on either side and after particularly noting that the Bank account of the petitioner is seized and the assets are under attachment, which are stated to be of a value of more than Rs.2,00,00,000/-, the request of the petitioner for some time to liquidate the liability is required to be considered by granting reasonable instalments.

4. In the circumstances, therefore, the petitioner is permitted to liquidate the entire liability as per the impugned Recovery Certificate in ten equal monthly instalments commencing from 01.11.2015 and successively thereafter. Subject to the petitioner complying with the aforesaid conditions, further coercive steps against the petitioner shall not be taken by the respondents by the Recovery Officer. Further, in default of the petitioner in complying with the conditions imposed herein the respondents shall be at liberty to proceed against the petitioner in accordance with law.

With the above directions, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 1, 2015

Note:-

Furnish copy in two days.

{B/o} LMV