

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27430 of 2015

ORDER:

Heard.

The present writ petition is filed questioning the action of the respondents in seeking to arrest and detain the 2nd petitioner, pursuant to the notice, dated 13-07-2015.

Sri R.N.Reddy, learned Standing Counsel for the respondents, on instructions, submits that the respondent organization is primarily concerned with arrears and it is only on account of default, even after attachment, the impugned notice was issued. He also submits that if the petitioners offer to pay the amount in reasonable instalments, the respondent organization would consider their request.

The petitioners have already stated in the affidavit that they are prepared to pay arrears in instalments and the learned counsel for the petitioners states that in view of recovery of about Rs.19,17,780/-, 12 equal monthly instalments may be granted to the petitioners for payment of the said amount.

Keeping in view the facts and circumstances of the case, the order of arrest impugned in this writ petition is clearly contrary to the Division Bench judgment reported in **REGIONAL PROVIDENT FUND COMMISSIONER v. M/S.DECCAN FORAM PLASTICS PRIVATE LIMITED**^[1] and the same is accordingly set aside.

So far as the arrears are concerned, the petitioners are granted 12 equal monthly instalments, as proposed by the learned counsel for the petitioners, so that the entire arrears shall be liquidated in 12 equal monthly instalments commencing from 01-10-2015 and payable on or before 10-10-2015 and successfully thereafter every month. In default of the petitioners complying with the conditions of instalments, as mentioned above, the respondents are at liberty to recover the entire amount from the petitioners in

accordance with law and facility of instalments will not be available to the petitioners.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 10-09-2015

Prv

[\[1\]](#) 2005 (1) ALT 645 (DB)