

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1793/2015**

% **Date of decision: 29.04.2015**

VINEET JAIN

..... Petitioner

Through: Ms.Sangeeta Jain, Advocate.

versus

ASSISTANT PROVIDENT FUND COMMISSIONER.... Respondent

Through: Mr.D.Rajeshwar Rao, Advocate
alongwith Mr.Charanjeet Singh,
Advocate.

CORAM:

HON'BLE MS. JUSTICE DEEPA SHARMA

JUDGMENT (ORAL)

CM No. 3193/2015 (for exemption)

Exemption allowed subject to just exception.

W.P.(C) 1793/2015

The present writ petition has been filed by the petitioner seeking directions to make the payment of the dues in instalments as per the policy of the respondents.

It is submitted that a show-cause notice dated 20th August, 2014, the balance amount of arrears of Rs.13,90,904.00/- specified in certificate no. DL/25813/Damages-1/C-III/28 dated 11th April, 2014 under Section 8 of the EPF& MP Act was received by the petitioner.

The petitioner appeared through his authorised representative before the respondent on 12th September, 2014. It is submitted that out of the said

sum, the petitioner has already paid a sum of Rs.5,64,638.00/-. This fact is also admitted by the respondent in their counter affidavit. It is further submitted that during proceedings held on 16th April, 2015, the total amount of Rs.6,57,416/- is stated to be due towards the damages under Section 14-B of the Act. It is submitted that a recovery has been initiated under Section 7-A of the Act. It is submitted that petitioner is ready to pay the balance amount in equal instalments within a period of 15 months starting from May. It is submitted that there is a circular no. RRC/.28(23)06/BIFR/.23781 dated 11th Feb, 2014 wherein the respondent could have given the petitioner the facility to deposit the balance amount by way of instalments but the said benefit had been denied to the petitioner.

It is submitted by the petitioner that he could not pay the amount as one of the directors i.e. Mr. Raj Kumar Jain, is in civil prison since 13th November, 2014 under the order of the recovery officer/respondent.

It is submitted on behalf of the respondents that the facility had been denied to the petitioner because the sister concerns of the petitioner had defaulted previously.

Since now, the petitioner has undertaken to deposit the entire balance money shown in the proceedings dated 16th April, 2015 by way of instalments and since there is a circular issued by the respondents extending the facility of payment of dues on instalments, I direct the petitioner to deposit the entire balance sum shown in the proceedings dated 16th April, 2015 by way of 15 equal instalments.

The money is directed to be deposited with the recovery officer/respondent by 7th date of every month from May 2015. In case of default on behalf of the petitioner, for any reason whatsoever, the entire

balance sum shall become payable alongwith interest.

With this direction, the present petition stands disposed of alongwith pending applications.

Dasti.

**DEEPA SHARMA
(JUDGE)**

APRIL 29, 2015

sapna