

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE Hon'ble Mr.JUSTICE N. KIRUBAKARAN

W.P.No.40748 of 2016

and

WMP No.34725 of 2016

M/s Diamond Engineering (Chennai) P Ltd
represented by its
Deputy Managing Director P. Danaraj
41, Pudupakkam Village,
Kelambakkam-Vandalur Main Road,
Kancheepuram District Petitioner

vs

1. The Regional Provident Fund
Commissioner-II, (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
Chennai
2. The Branch Manager,
M/s AXIX Bank,
Velachery,
Chennai - 600 042
3. The Regional Provident Fund
Commissioner-I (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram, Chennai Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus for bearing the respondents 1 and 3 or any one claiming through them, from attaching the account of the petitioner's Current Account NO.910020029556845 with the second respondent bank.

For petitioner : Mr.J. Pothiraj
For R.1 to R.3 : Mr.K. Ramu

ORDER

The petitioner has filed the present Writ Petition praying to issue a Writ of Mandamus directing the respondents 1 and 3 or any one claiming through them, from attaching the account of the petitioner's Current Account No.910020029556845 with the second respondent bank.

2. The petitioner is a Company, manufacturing of Steel Components and Fabrication. Though in the early years, the Company was running profitably, due to certain problems, the Industry was not making profit. The number of employees have been reduced from 2000 to 1500 and they are unable to make contribution to the Provident Fund and therefore, a sum of Rs.4,06,69,554/- for the period from November 2010 till 2016 was directed to be paid. Thereafter, the respondents are taking steps for attachment of the account of the petitioner, which compelled the petitioner to approach this Court, seeking for the above relief.

3. When the matter is taken up for hearing, on instructions, Mr.J. Pothiraj, learned counsel for the petitioner, filed an affidavit agreeing to pay instalments. Though the petitioner sought 24 monthly instalments at the rate of Rs.13,00,000/-, the learned counsel for the respondent would oppose saying that 24 months is too longer.

4. Taking into consideration that the Company was providing employment for more than 2000 employees and at present, it is employing 1500 employees and the Company is stated to be coming out of the problematic situation, it is appropriate to give an helping hand to the Company. Therefore, this Court direct the petitioner to pay a sum of Rs.17,36,112/- (Rupees seventeen lakhs thirty six thousand one hundred twelve only) as monthly instalment and pay the entire amount within eighteen months.

5. The first instalment should commence from January 2017. It is also made clear that while making the payment regarding discharge of arrears, the petitioner is also directed to pay the current monthly contribution regularly.

6. Any default in the payment of monthly instalment, make the petitioner to disentitle the benefits given by this Order. With the above observations, the Writ petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Regional Provident Fund
Commissioner-II, (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
Chennai

2. The Regional Provident Fund
Commissioner-I (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram, Chennai

+One CC to M/s.J.Pothiraj, Advocate (SR No.16612)
+One CC to M/s.K.Ramu, Advocate (SR No.70315)

rsk(CO)
sk(23/12/2016)

सत्यमेव जयते

W.P.No.40748 of 2016

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