

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.42208 of 2016

M/s.Pulliccar Mills Ltd.,
Rep. By its Managing Director
Mr.J.K.K.Muniraja,
107, Sankari Road,
Tiruchengode - 637 211. ... Petitioner

Vs

The Regional Provident Fund Commissioner,
Sub-Regional Office,
S.J.Plaza, Anna Salai,
Salem - 636 004. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records in Ref.No.CB/SLM/SRO/PDC/130/S-1/7Q-Proceeding/2016, dated 17.10.2016 passed by the respondent and quash the same and consequently to direct the respondent to accept the remaining outstanding determined amount in 24 installments.

For petitioner : Mr.S.Gunalan

For Respondent : Ms.R.Meenakshi

सत्यमेव जयते
O R D E R

By way of filing this writ petition, the petitioner seeks to quash the order dated 17.10.2016 passed by the respondent / the Regional Provident Fund Commissioner, Salem, in and by which, the respondent imposed the levy of interest on the petitioner Mill for a sum of Rs.8,72,352/- under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, for not paying the Provident Fund dues to the employees.

2. The petitioner Mill is involved in the business of spinning of cotton and other fancy fibers. Though initially the business was good, due to recession in the global market, the Mill

suffered a huge loss and therefore, the Mill was declared as SICK industry by the respondent on 25.07.2013. Due to the sickness, the petitioner was not in a position to repay any dues to its employees. Finally, the respondent has passed the impugned order directing the petitioner Mill to levy the interest to the tune of Rs.8,72,352/-.

3. It is now submitted by the learned counsel for the petitioner that the petitioner Mill is willing to settle the amount as determined in the impugned order in 12 monthly installments. Learned counsel appearing for the respondent has no objection for the same.

4. Recording the above said statement, this Court directs the petitioner Mill to pay the entire amount as determined in the impugned order in 12 consecutive monthly installments. The first installment shall commence from January, 2017. The petitioner shall ensure that there is no default in the payment by installments and in case of delay or default in payment by installments, the remaining total amount payable should be paid as a one time payment without installments. If the petitioner commits default, then the impugned order shall stand automatically restored and thereupon it is open to the respondent to proceed further in accordance with law.

5. In fine, with the above directions, the writ petition is disposed of and the impugned order is kept in abeyance. No Costs. WMP.No.36113 of 2016 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

The Regional Provident Fund Commissioner,
Sub-Regional Office,
S.J.Plaza, Anna Salai,
Salem - 636 004.

+lcc to Mr.S.Gunalan, Advocate, S.R.No.73363

+lcc to Mr.Ms.R.Meenakshi, Advocate, S.R.No.73238

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