

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8083 of 2016 &
WMP No.7197 of 2016

Royal Yarns Coimbatore Pvt. Ltd.,
Rep. by its Director - Mr.B.Balusamy,
No.04/32, Seventh Cross Street,
College Road, Tirupur,
Tamil Nadu-641 602. ... Petitioner

Versus

Employees Provident Fund Organization,
Rep. by its Assistant Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-641 018. ... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records in Ref.No.TN/CB/87130/ENF/CC-21/2015, dated 23.12.2015 and quash the same and consequently direct the respondent to accept the remaining outstanding determined amount in the impugned order in 24 equal installments.

For Petitioner : Mr.S.Ezhil Raj

O R D E R

Heard Mr.S.Ezhil Raj, learned counsel appearing for the petitioner.

2. The petitioner has filed this Writ Petition challenging the Proceedings initiated under Section 7(A) of the Employees Provident Fund and Miscellaneous Provision Act, 1952.

3. The petitioner would state that due to certain unavoidable circumstances, they could not honor the commitment in time and they are ready to remit the entire amount in 24 equal installments. However, it appears that the petitioner has not given any representation to the respondent and straightaway approached this Court, by filing this Writ Petition, stating that this Court should direct the respondent to accept the entire amount in 24 equal installments. In this regard, the learned counsel for the petitioner referred to an earlier order

passed by this Court in W.P.No.2024 of 2015, dated 29.01.2015, (M/s.Tirupur Sri Sentil Cotton Mills Limited Vs. The Assistant Provident Fund Commissioner, Coimbatore). In the said Writ Petition, the respondent took a stand that the petitioner therein may be permitted to pay the demand in four equal installments. Taking note of the said facts, this Court exercised its discretion and stated that the petitioner in the said Writ Petition should pay the entire amount in six equal installments.

4. In my view, in this Writ Petition, no direction can be issued at this juncture to direct the respondent to accept the payment in 24 equal installments. Therefore, the petitioner is directed to submit a representation to the respondent, requesting to pay the entire amount in installments and if the petitioner agrees to remit the same in ten equal installments, then the respondent shall consider such request.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.
r n s

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Dr.Balasundaram Road,
Coimbatore-641 018.

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