



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.11.2016
CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

W.P (MD) No.18344 of 2016
and
W.M.P (MD) No.13205 of 2016

Dhanalakshmi Paper Mills Ltd.,
Represented by its Director,
Vilampatti, Nilakottai,
Dindigul-624 219.

... Petitioner

vs.

The Assistant Provident Fund Commissioner,
No.1 Lady Doak College,
Madurai-625 002.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records in order in Ref.No.TN/RO/MDU/20181/cir01/PDC/7Q/2016 proceedings dated 19.07.2016 passed by the respondent and quash the same and consequently directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal installments.

For Petitioner : Mr.K.MU.Muthu
For Respondent : Mr.V.S.V.Venkateshwaran

ORDER

This Writ of Certiorarified Mandamus has been filed to quash the order in Ref.No.TN/RO/MDU/20181/cir01/PDC/7Q/2016 dated 19.07.2016, passed by the respondent with the consequential direction to the respondent to accept the remaining outstanding (determined) amount in the impugned order in 24 equal installments.

2.The learned counsel for the petitioner would submit that 25% of the amount determined in the impugned order has already been paid and if payment by installments is ordered, the petitioner is willing to pay the remaining amount, even though the petitioner company has been declared as a sick industry.

3.The learned counsel for the respondent would oppose the proposal for payment by installments, on the ground that it is the



statutory payment to be made in accordance with the time schedule prescribed under the enactment.

4. However, taking into account the financial crisis which is being faced by the petitioner company, this Writ Petition is disposed of permitting the petitioner to pay the remaining amount in the impugned order, in twelve 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. No costs. Consequently, W.M.P(MD)No.13205 of 2016 is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.K.MU.MUTHU, Advocate, SR No.65261

W.P(MD)No.18344 of 2016
02.11.2016

nbi

SH/CK:11.11.2016:2P/2C