



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24678 of 2016 and

W.M.P.(MD) No.17792 of 2016

M/s.KGS Nelson Paper Mill Ltd.,
Rep. by its Plant Manager,
Solagampatti,
Thohur Via,
Thanjavur - 613 102.

..Petitioner

-vs-

The Assistant Provident Fund Commissioner,
No.18, Madurai Road,
Trichy-620 008.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in Ref.No.TN/SRO-TRY/PDC/C-31/32878/7Q PROC/2016 dated 15.11.2016 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 instalments.

For Petitioner : Mr.K.Mu.Muthu
For Respondent : Mr.K.Murali Shankar

O R D E R

This petition has been filed, seeking to quash the impugned order dated 15.11.2016 passed by the respondent in Ref.No.TN/SRO-TRY/PDC/C-31/32878/7Q PROC/2016, in and by which, the respondent directed the petitioner to remit the outstanding determined amount within fifteen days. The petitioner also sought a direction to the respondent to accept remittance of the amount in 24 instalments.

2. The case of the petitioner is that the petitioner Mill is engaged in manufacturing of paper, governed by the EPF Act and has been remitting the EPF contribution regularly; that due to sudden trough in the industry, the establishment suffered huge loss and was not able to repay any dues, pursuant to which, the respondent initiated proceedings under the provisions of the EPF Act, 1952 and passed the impugned order under Section 7Q of the Act. Therefore, the petitioner sought a direction to permit them to pay the amount in instalments.



3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

4. Though the petitioner is willing to pay the entire amount together with interest, penalty, damages, etc. in 24 instalments, this Court is not inclined to grant the relief as such. Therefore, the petitioner is directed to remit the entire amount, as demanded by the respondent in 12 instalments and the petitioner shall pay the 1st instalment on 10.01.2017 and the subsequent instalment shall be paid on or before 7th of every succeeding month without fail. It is made clear that if the petitioner fails to pay anyone of the instalments, the order impugned in this writ petition shall be restored and it is open to the respondent to proceed against the petitioner in accordance with law without seeking any clarification from this Court.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:
The Assistant Provident Fund Commissioner,
No.18, Madurai Road, Trichy-620 008.

+1cc to M/s.K.Mu.Muthu, Advocate in SR.83120
+1cc to M/s.K.Murali Sankar, Advocate in SR.83122

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