

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44335 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, for the following relief:

“to declare the action of the Respondent No.2 in passing orders dated 29/ 08/ 2016 in Proceedings No.AP/ HYD/ 28096/ P.D.Cell-III/ T-1/2016/ 1444 ordering a sum of Rs.20,85,625/- and Proceedings No. AP/ HYD/ 28096/ P.D.Cell-III/ T-1/ 2016/ 1445 ordering a sum of Rs.39,71,689/- in total amount of Rs.60,57,314/- to be paid by the Petitioner under Sections 7Q and 14 (B) of The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 without giving any opportunity to the Petitioner as contemplated under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 enabling it to produce the records including Wage, Attendance, P.F. Registers thereby to establish that the Petitioner is not due and liable to pay any amount as claimed by the Respondents as it being arbitrary, illegal, unjustified, in violation of principles of natural justice and also in violation of the provisions of Act and consequently direct the Respondents to give an opportunity of personal hearing to the Petitioner to produce records to substantiate its contention that it is not due and liable to pay any amount to the Respondents by setting aside the said orders both dated 29/ 08/ 2016.”

After arguing for some time, learned counsel for the petitioner informed that the petitioner is ready to pay the amount as per the proceedings, dated 29.08.2016, of the 2nd respondent, but due to demonetization and other problems, the petitioner could not able to pay the same in one time, and hence he prayed to permit the petitioner to pay the said amount in ten (10) installments.

Learned Standing Counsel appearing for the respondents submitted that the respondents did not agree for the installments and requested to direct to pay the entire amount in one time.

Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the

petitioner, the petitioner is directed to pay the amount, as directed by the 2nd respondent vide proceedings, dated 29.08.2016, in ten (10) equal monthly installments, commencing from January 2017. In case the petitioner fails to pay any one of the installments, the respondents are at liberty to take appropriate steps in accordance with law.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 30, 2016.
KTL

