



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2017

WEB COPY

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3443 of 2017

and

W.M.P. (MD) No.2800 of 2017

A 2929 Periyapatti Primary Agricultural
Cooperative Bank,
Now called us Periyapatti primary
Agricultural Cooperative Credit Society,
Rep.through its Secretary,
Kancharempatti Post,
Madurai North Taluk,
Madurai District.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 2.

2.The Recovery officer,
Office of the EPF Organization,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 2.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders passed by the respondents made in TN/MDU/24997/PDC/Circle 04/8F/2017 dated 01.02.2017 and quash the same and direct the respondent to permit the petitioner to pay EPF interest amount Rs.3,91,454/- and 20 instalments basis in accordance with law.

For Petitioner : Mr.C.G.Pethanaraj

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Mr.K.Murali Manokar

**O R D E R**

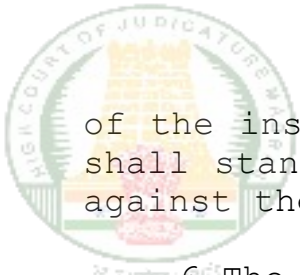
The petitioner seeks for issuance of a Writ of Certiorari and Mandamus, calling for the records of the impugned order dated 01.02.2017 passed by the 2nd respondent in TN/MDU/24997/PDC/Circle 04/8F/2017 and quash the same and also direct the respondents to permit the petitioner to pay EPF interest amount Rs.3,91,454/- in 20 instalments basis.

2.The case of the petitioner is that the petitioner Society has issued agricultural loan to its members for the past 20 years and the outstanding loan amount is more than cores and that the petitioner society is facing huge financial crisis. Due to the same, the petitioner society is not able to pay salary to its employees regularly and also contribution EPF amount to the respondents. In these circumstances, the 1st respondent has initiated action under Section 14 B & 7Q proceedings of EPF Act for paying the contribution for the period from 04/2001 to 04/2016. As against which, an appeal in Appeal No. EPF AT (B)/TN 23/ 2016 has been filed by the petitioner before EPF Tribunal, Bangalore Bench and the Tribunal granted an order of interim stay on 05.07.2016. Since the petitioner Society was not able to pay the interest under Section 7Q order, a representation was sent to the respondents on 02.07.2016 and also paid the interest amount of Rs.64,848/- and the petitioner has to pay the balance amount of Rs.3,96,454/- to the respondents. In these circumstances, the 2nd respondent, without considering the financial condition of the petitioner Society has issued impugned order dated 01.02.2017.

3.The grievance of the petitioner is that even though the petitioner society is unable to pay crop insurance amount and also agricultural loan to its members and there is no source of income to pay the interest amount of Rs.3,91,454/-, the 2nd respondent initiated an attachment order, which is arbitrary and illegal and violation of EPF Act. Hence, the petitioner Society is before this Court with the present Writ petition for the aforesaid relief.

4.The learned standing counsel appearing for the respondents submitted that the respondents have no objection permitting the petitioner to pay the EPF interest amount in 12 monthly instalments.

5.Taking note of the submission made by the learned standing counsel appearing for the respondent, the petitioner Society is directed to pay the EPF interest amount in 12 monthly instalments and the first instalment shall commence on or before 05.05.2017 and the subsequent instalments shall be paid 10th day of every English calendar month and if the petitioner fails to pay any one



of the instalments or seeks extension of time, the original order shall stand restored and it is open to the authorities to proceed against the petitioner including penal action.

6. The Writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Regional Office,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 2.

2. The Recovery officer,
Office of the EPF Organization,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 2.

+ 1 CC TO Mr. R. SARAVANAN, ADVOCATE IN SR No. 11285

NBJ

TE/MMS/SAR-IV : 05/05/2017 : 3P/4C

W.P. (MD) No. 3443 of 2017 and
W.M.P. (MD) No. 2800 of 2017
28.02.2017