

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.468 of 2018

M/s.Chowel India Private Limited
rep. by its Managing Director/Authorised Signatory,
No.129, Mannur Village, Valapuram Post,
Sriperumbudur Taluk, Kancheepuram District. ... Petitioner

Vs

1.The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organisation,
Regional Office, Ambattur,
R.40, T.N.H.B., Office Complex,
Mogappair Road, Mogappair East,
Chennai-37.

2.The Enforcement Officer,
Area-5, Employees Provident Fund Organisation,
Regional Office, Ambattur,
R.40, T.N.H.B., Office Complex,
Mogappair Road, Mogappair East,
Chennai-37.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to
to issue a Writ of Mandamus, directing the 1st respondent to consider
the representation of the petitioner dated 05.12.2017 and lift the
attachment order, TNAMB/TNAMB0065514000/7A/TNAMB6575, dated
04.10.2017 in respect of Current Account (916020072718441) of the
petitioner in AXIS Bank, Irungattukottai Branch for the present.

For Petitioner : Mr.R.Munusamy

For Respondents : Mr.J.Sathya Narayana Prasad,
Standing Counsel

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 05.12.2017 and lift the attachment order, TNAMB/TNAMB0065514000/7A/TNAMB6575, dated 04.10.2017 in respect of Current Account (916020072718441) of the petitioner in AXIS Bank, Irungattukottai Branch for the present.

2. Learned Counsel for the petitioner submitted that the petitioner company is engaging 350 regular employees and 100 casual employees for whom, they have to pay salary, more particularly, before Pongal Festival, but, surprisingly, the respondents have attached the petitioner bank accounts for not paying the Employees Provident Fund Contribution for the period from November, 2015 till May, 2016, disabling the petitioner company to proceed further which would result in some problem between the petitioner company and the working group. In this regard, the petitioner made several representations and also made a part payment of Rs.66,53,536/- by way of Demand Draft

dated 13.10.2017 towards Employees Provident Fund Contribution for the period November, 2015 to December, 2016. Further, on receipt of the petitioner's representation dated 01.11.2017, the 1st respondent sent a reply dated 01.11.2017 called upon the petitioner to clarify the conditions for making payment and the petitioner submitted his reply on 02.11.2017. Upon receipt of the same, the 1st respondent sent a Communication dated 03.11.2017 to the AXIS Bank, Irungattukottai Branch to keep in abeyance of their 8F Notice dated 04.01.2017 in so far as the Cash Credit Account alone of the petitioner is concerned until further orders and a copy was also marked to the petitioner company.

3. The learned Counsel also submitted that the petitioner submitted two letters both dated 6.11.2017 to the 1st respondent requesting them to lift the attachment in respect of Current Account also. But, there was no response for the same. Thereafter, the petitioner made payment of Rs.8,91,441/- to the respondents towards contribution for the month of October, 2017 on 16.11.2017 and requested to lift or revoke the attachment order made in respect of the current account of the petitioner for which a clarification was called for from the 1st respondent by letter dated 27.11.2017. While so, the petitioner complied with the payment of Rs.37,50,532/- on 30.11.2017 to the 1st respondent and thereafter submitted a representation dated

5.12.2017 to the 1st respondent giving clarification as called for by the 1st respondent. After payment of Rs.37,50,532/- for the period from November, 2015 to May, 2016 towards employer contribution, the petitioner arranged term loan from AXIS Bank. Though the said amount has been sanctioned, since the current account of the petitioner was attached, they could not avail the said loan facility and prayed or revoke the attachment order. Since the same has not been considered, the petitioner is before this Court with this Writ Petition.

4. Heard Mr.J.Sathyannarayanan Prasad, learned Standing Counsel for the respondents.

5. When the matter was called on 12.01.2018, the learned Counsel for the petitioner submitted that realizing the importance of clearing the balance amount, the petitioner company has come forward to pay Rs.60,00,000/- on or before 31.01.2018 and the balance amount also would be cleared on or before 31.03.2018 and also filed an affidavit to that effect before this Court. In that view of the matter, the impugned order dated 4.10.2017 freezing the bank accounts of the petitioner company, was stayed by this Court until further orders.

6. Today, when the matter is called, the learned Counsel for the petitioner submitted that the petitioner company has already made payment of Rs.70,23,090/- to the 1st respondent towards arrears of Employees Provident Fund and it will make another substantial amount of Rs.30,00,000/- on or before 28.02.2018 and the balance before 31.03.2018.

7. The said statement has been accepted by the learned Standing Counsel for the respondents.

8. Recording the said submission of the learned Counsel for the petitioner, the Writ Petition is disposed of with liberty to the respondents to proceed against the petitioner in the event of not complying with their statement after 31.03.2018. No costs.

सत्यमेव जयते

12.02.2018

Index:Yes/ No
Internet:Yes/No
Speaking /Non-speaking order
Note : Issue order copy after two days

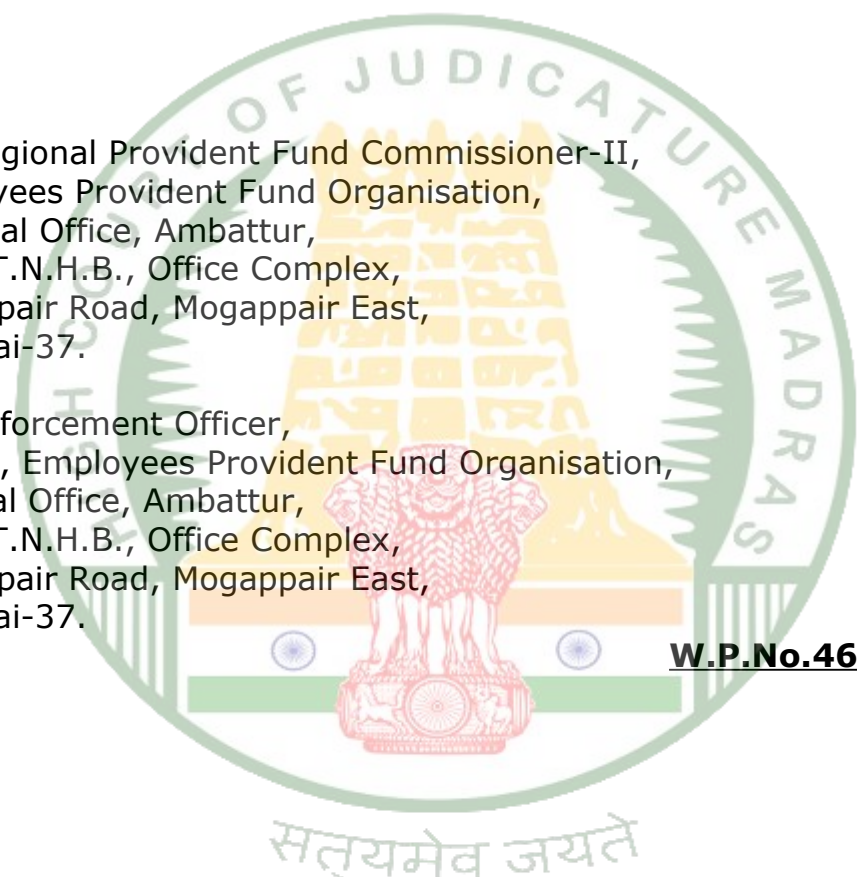
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T.RAJA, J.

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To

- 1.The Regional Provident Fund Commissioner-II,
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W.P.No.468 of 2018The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a green background. The words "HONORABLE JUDGES OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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12.02.2018