

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.233 of 2017
and C.M.P.No.3815 of 2017

M/s A.P.C.Papers and Boards India Pvt. Ltd.,
Rep. by its Managing Director
No.9/1 Sreyas, 7 Street, Tatabad
Coimbatore 641 012. ... Appellant/Petitioner

Vs.

1.The Presiding Officer
Employees Provident Fund
Appellate Tribunal
Bengaluru.

2.The Assistant Provident Fund Commissioner
Dr.Balasundaram Road
Coimbatore 641 018.

3.The Recovery Officer
Employees Provident Fund Organization
Dr.Balasundaram Road
Coimbatore 641 018.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 02.01.2017 made in W.P.No.44414 of 2016 on the file of this Court.

PRAYER IN WP.44414 OF 2016: To issue a Writ of Certiorarified Mandamus Calling for records of the 1st Respondent in Appeal No.A/TN-114/ 2016 order dated 08.12.2016 and the impugned order of the 3rd Respondent in Ref. No.TN/ RO-CBE/ RECOVERY/ CC-14/ 86595/ 2016 dated 07.11.2016 and quash the same and consequently directing the 1st Respondent to condone the delay and take the appeal for admission on merits within time limit fixed by this Court.

For Appellant : Mr.S.Gunalan
For R2 and R3 : Ms.R.Meenakshi

J U D G M E N T
[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

The appeal filed by the appellant before the Employees Provident Fund Appellate Tribunal, Bengaluru was rejected on the ground that it was barred by limitation. The order was challenged before the Writ court in Writ Petition No.44414 of 2016. The learned single Judge dismissed the writ petition. Feeling aggrieved, the appellant has come up with this intra court appeal.

2.The learned counsel for the appellant fairly submitted that the appellant is not prosecuting the appeal on merits. According to the learned counsel, the appellant would be satisfied in case liberty is given to pay the amount in twelve instalments.

3.There is no dispute with regard to the liability of the appellant to pay the amount. The amount has already been determined by the competent authority. The appellant only seeks an order permitting the Company to pay the amount in instalments. We permit the appellant to pay the amount due in 10 equal monthly instalments commencing from 01 April, 2018. The subsequent instalments shall be paid in the first week of every month. The appellant shall pay interest in accordance with relevant regulations. In case, any two instalments remain unpaid, it would give right to the authorities to insist payment of the entire amount.

The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-iii)

//True Copy//

Sub Assistant Registrar

gms/arr

To

1.The Presiding Officer
Employees Provident Fund
Appellate Tribunal
Bengaluru.

2.The Assistant Provident Fund Commissioner
Dr.Balasundaram Road
Coimbatore 641 018.

3.The Recovery Officer
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Coimbatore 641 018.

+1cc to Mr.S.GUNALAN, Advocate, S.R.No.17319
+1cc to Mr.R.MEENAKSHI, Advocate, S.R.No.17286

W.A.No.233 of 2017

SVI (CO)
TR(24/04/2018)



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