

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.234 of 2017
and C.M.P.No.3816 of 2017

M/s.A.P.Travels and Tours India (P) Ltd.,
Rep. by its Managing Director,
No.474, Maniakarampalayam,
Nallamapalayam, Coimbatore-641 006. ... Appellant

Vs.

- 1.The Presiding Officer,
Employees Provident Fund,
Appellate Tribunal, Bengaluru.
- 2.The Asst. Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-641 018.
- 3.The Recovery Officer,
Employees Provident Fund Organization,
Dr.Balasundaram Road,
Coimbatore-641 018. ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 05.01.2017 passed by this Court in Writ Petition No.181 of 2017.

WP.No.181 of 2017:filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus Calling for the records of the 1st respondent in Appeal No.A/TN-119/2016 dated 20.12.2016 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 Honourable Court

For Appellant : Mr.S.Gunalan
R1 : Tribunal
For RR2 & 3 : Ms.R.Meenakshi

JUDGMENT

(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.181 of 2017. 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 from the first week of every month. The appellant shall pay interest in accordance with relevant regulations. In case, any two instalments are remained 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(CCC)

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Sub Assistant Registrar

arr/abr
To

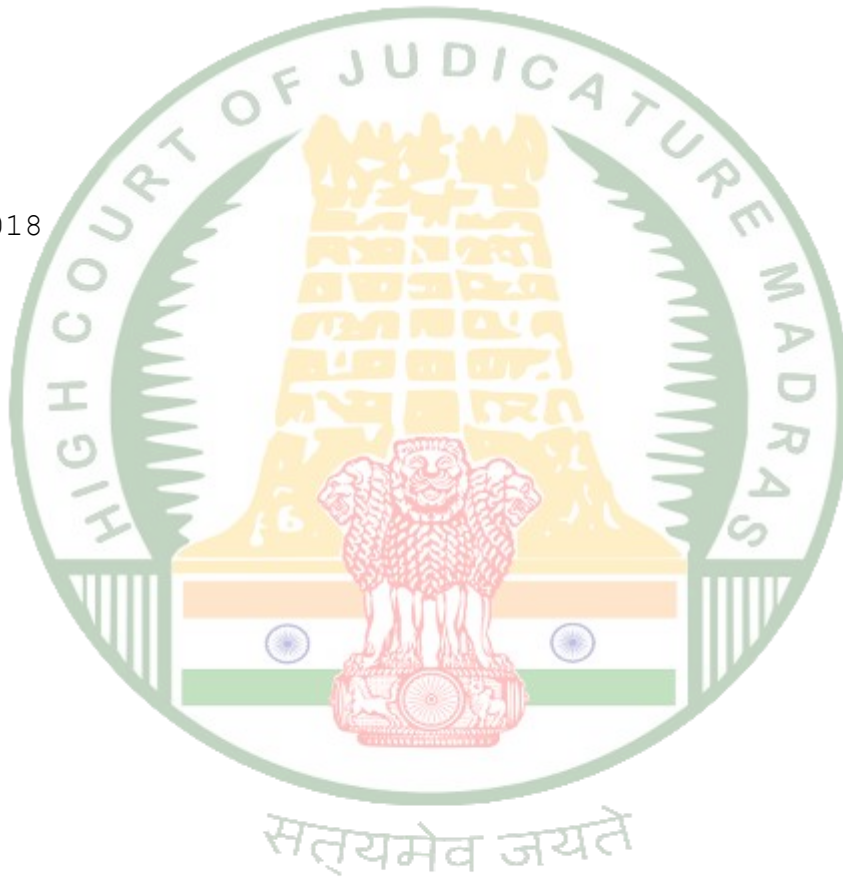
1.The Presiding Officer,
Employees Provident Fund,
Appellate Tribunal, Bengaluru.

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+ cc to Mr.S.Gunalan Advocate sr 17322
+1 cc to Mrs.R.Meenakshi Advocate sr 17289

W.A.No.234 of 2017

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