

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2018
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.5898 of 2018 and
W M P No.7259 of 2018

M/s.AP Travels and Tours (India) Pvt. Ltd.
Rep by its Director
Shri Kamal S/o.R.Palanisami
No.374, Rajendra Prasad Road
Gandhipuram, Coimbatore-641 012.

...Petitioner

Vs

The Recovery Officer
Employees Provident Fund Organization
Dr.Balsundaram Road
Coimbatore - 641 018.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records of the impugned order in Ref. No.TN/CBE/RECOVERY/86118/CC-14/2018 dated 15.02.2018 passed by the Respondent quash the same and consequently directing the respondent to accept the remaining outstanding determined amount in 24 installments.

For Petitioner : Mr.S.Gunalan
For Respondent : Mr.K.Prabakar

O R D E R

The order of recovery dated 15.02.2018 passed by the respondent is under challenge in this writ petition.

2.The writ petitioner is a Tour and Travel operating company and the learned counsel for the writ petitioner states that it is a sick industry. In view of the financial crisis the petitioner is not in a position to pay the statutory dues within the time limit prescribed by the competent authorities. In respect of the Employees Provident Fund (EPF), the contributions were not paid by the writ petitioner in accordance with the provisions of the Act and as of now the writ petitioner is liable to pay the due amount of Rs.11,11,880/-. The writ petition is moved on the ground that the writ petitioner is in financial crunch and unable to pay the entire amount in lumpsum.

3. Under these circumstances, the writ petitioner has filed an affidavit dated 24th March 2018 stating that the petitioner company is willing to pay the entire amount quantified in the impugned order in 12 equal installments. The said affidavit is extracted hereunder:

"I, P.Kamal, S/o.R.Palanisami, Hindu, aged 38 years, residing at No.21, Lakshmanapuram 2nd Avenue, Pappanaickenpalayam, Coimbatore, temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Director and authorized signatory of the Petitioner herein as such I am well acquainted with the facts of the case.

2. I submit that the petitioner has filed this writ petition against the show cause notice in Ref.No.TN/CBE /RECOVERY /86118 /CC -14 / 2018 dated 15.02.2018 passed by the respondent and seeking 24 installments for paying the demand raised towards interest and damages.

3. I submit that I undertake to pay the due amount of Rs.11,11,880/- in 12 equal installments without default before 10th day of every calendar month starting from April 2018.

It is therefore prayed that this Hon'ble Court may be pleased to take on record this affidavit and pass necessary orders and thus render Justice."

4. In view of the affidavit filed by the writ petitioner with an undertaking that the entire due amount of Rs.11,11,880/- will be paid in 12 equal installments without any defaults. The same deserves to be considered. Accordingly, the writ petitioner is directed to pay the statutory due amount of Rs.11,11,880/- in 12 equal installments commencing with effect from April 2018 onwards.

5. In this view of the matter, this writ petition stands disposed of. However, there is no order as to costs. Consequently connected miscellaneous petition is Closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

+lcc to Mr.S.Gunalan, Advocate, S.R.No.24747

W.P. No.5898 of 2018

VBA (CO)

RRK (27/04/2018)



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