

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2198 of 2018

S.Sudhakaran

.. Petitioner

-vs-

The Assistant Commissioner (Recovery)
Employees Provident Fund Organisation
No.37, Royapettah High Road
Chennai 600 014

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to quantify the amount payable by the petitioner as per the partnership deed with regard to Idli shop.

For Petitioner

::

Mr.V.Bhiman

ORDER

This writ petition has been filed seeking a mandamus to the respondent to quantify the amount payable by the petitioner as per the partnership deed with regard to the idli shop.

2. Learned counsel for the petitioner submitted that though the partnership deed was executed on 4.7.2012 between the petitioner and Mr.S.Venkatesan, this was dissolved on 5.6.2013 and thereafter the petitioner was exclusively running the affairs of the partnership firm. While so, the petitioner cannot be mulcted with the entire liability to pay the employees provident fund contributions pertaining to the employees working in the firm. Secondly, the respondent also has not even quantified the amount payable by the petitioner.

3. But this Court is not able to accept the said contentions. The reason being that the proceeding dated 15.5.2017 issued by the respondent clearly shows that the Recovery Officer has quantified the amount for the period 2015-16 and 2016-17 as under:-

RRC No.	AC 1	AC 2	AC 10	AC 21	AC 22	Total
148(2015-16)	3832	268	2034	123	2	6259
1937(2016-17)	2795	197	1484	89	0	4565
					Grand Total	1428279

Since the aforementioned amount was not remitted, the dues have been arrived at under Sections 14B & 7Q of the Act. It is at this stage, the learned counsel for the petitioner submitted that the petitioner is prepared to pay the entire dues if sufficient time is granted by this Court. To show his bona fides, the petitioner is willing to pay 50% of the demand within two weeks and the balance 50% in two instalments.

4. Considering the said submission, the petitioner is directed to remit 50% of Rs.14,28,279/- within a period of two weeks from the date of receipt of a copy of this order, i.e., on or before 19.2.2018, without fail. For clearing the balance 50% dues, the petitioner is directed to remit 25% on or before 19.3.2018 and another 25% on or before 19.4.2018, without fail. If the petitioner commits any default in any of the instalments, it is for the respondent to take action in the manner known to law. The writ petition is disposed of accordingly. Consequently, W.M.P.No.2701 of 2018 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ss

To

- The Assistant Commissioner (Recovery)
Employees Provident Fund Organisation
No.37, Royapettah High Road
Chennai 600 014

+1cc to Mr.V.BHIMAN, Advocate, S.R.No. 8129

W.P.No.2198 of 2018

TR(06/02/2018)