

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2018

CORAM

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

W.P.No.24489 of 2016
and WMP.No.20916 of 2016

Techno Plast,
373-D, Trichy Road,
Singanallur Post,
Coimbatore-641005

..Petitioner

vs

The Assistant Provident
Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-18.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records in Order in Ref.No.TN/RO/CBE/PDC/CC17/28738/7Q Proceedings/ 2016, dated 12.05.2016 passed by the respondent and quash the same and consequently directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal installments.

For Petitioner : Mr.S.Gunalan
For Respondent : Mr.R.Thirunavukarasu

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the order passed by the respondent in Proceedings dated 12.05.2016 under Section 7 (Q) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2. The learned counsel appearing on behalf of the writ petitioner now made a submission that the writ petitioner is willing and ready to pay the entire amount demanded by the competent authority through impugned proceedings dated 12.05.2016 by way of instalments. Further it is contended that the petitioner company is not functioning as of now.

3. The learned counsel appearing on behalf of the respondent opposed the above contention by stating that the writ petitioner is a defaulter in respect of the payment of interest and no leniency is to be shown.

4. However, the fact remains that the petitioner company is not functioning and now the learned counsel appearing on behalf of the writ petitioner undertakes that the writ petitioner would settle the entire amount demanded by the competent authority in instalments.

5. This being the factum, this Court is inclined to consider the submission made by the learned counsel for the writ petitioner company. Accordingly, the writ petitioner company is directed to pay the entire amount in five equal instalments without any default. Each instalment is to be paid on or before 10th day of every calendar month commencing from July 2018.

6. In the event of committing any default by the writ petitioner company, the respondent is at liberty to proceed further in accordance with the Act.

7. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore-18.

+ 1 cc to Mr. S. Gunalan, Advocate Sr.37112
+ 1 cc to Mr.R.Thirunavukarasu, Advocate Sr.37291

W.P.No.24489 of 2016

SR(CO)
EU(26/06/2018)