



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2798 of 2018
and
W.M.P. (MD) .No.2962 of 2018

The General Manager,
Tiruchirappalli Consumer's
Co-operative Wholesale Stores Limited No.R.619,
(Chinthamani Co-operative Super Market 12/1,
E.V.R. Road, Puthur, Trichirappalli represented
by its General Manager.

...Petitioner

Vs.

The Assistant Provident Fund Commissioner (PDC),
Sub-Regional Office, P.Box.No.588, Sree Complex,
"D" Block, No.18, Madurai Road, Trichy-620008.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent vide No.TN/SRO-TRY/PDC/C-13/3179/7Q-PROC/2017 dated 13.10.2017 and quash the same and permit the petitioner to pay the interest of Rs.1,13,53,098/- on 60 equal monthly installments to the respondent.

For Petitioner : Mr.G.Murugan
For Respondent : Mr.V.S.Karthi

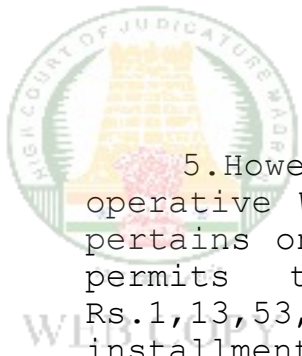
ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner is an Establishment covered by the provisions of Employees' Provident Fund Act, 1952. The petitioner committed delay in remitting the contribution under Section 7(Q) of the said Act. Since there was delay in making the remittance, interest came to be levied under Section 7(Q) of the said Act. The interest alone comes to Rs.1,13,53,098/-. The petitioner is a Co-operative Society. It is not able to pay the said amount at one go. They seek payment of the same in easy installments.

4.The learned Standing Counsel strongly opposed the said prayer.



5.However, considering the fact that the petitioner is a Co-operative Wholesale Stores Limited and that the amount in question pertains only to interest on the principal contribution, this Court permits the petitioner to remit the interest amount of Rs.1,13,53,098/- in 60 equal monthly installments. The first installment shall commence from 01.03.2018 onwards.

6.The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Assistant Provident Fund Commissioner (PDC),
Sub-Regional Office, P.Box.No.588, Sree Complex,
"D" Block, No.18, Madurai Road, Trichy-620008.

+1cc to M/S.R.Saravanan, Advocate SR.No. 50375

+1cc to M/S.V.S.Karthi, Advocate SR.No. 50976

W.P. (MD) .No.2798 of 2018
22.02.2018

tsg

JM/SV MMS/SAR 4/26.02.2018/2P/4C