



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6803 of 2018

and

W.M.P.(MD)No.6514 of 2018

SP SPL 74 Muthusampuram Primary
Agricultural Co-operative Bank,
Mulliseval Village - 626 205,
Virudhunagar District,
represented by its Secretary.

... Petitioner

Vs.

Assistant Provident Fund Commissioner,
Regional Office,
Employees Provident Fund Organisation,
2, Lady Doak College Road,
Madurai - 625 002.

... Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order No.MD/MDU/RO/Recy/37877/8F/2018 dated 09.01.2018 passed by the respondent under Section 8F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and quash the same as illegal and consequently direct the respondent to permit the petitioner to clear the interest and damages due amount of Rs.4,81,225/- covered in the impugned order in 24 equal monthly installments.

For Petitioner	: Mr.M.E.Ilango
For Respondent	: Mr.Murali Shankar

ORDER

Mr.Murali Shankar, learned counsel, takes notice on behalf of the respondent.

By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4.The petitioner is an Establishment covered by the provisions of Employees Provident Fund Miscellaneous Provisions Act, 1952. There was a delay in remitting the contribution. Therefore,



damages as well as the interest came to be levied. Questioning the levy of damages, the petitioner has moved the Appellate Tribunal and obtained interim order. As regards levying of interest, there is no question of filing an appeal. The interest comes to Rs.4,81,225/-.

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5.The case of the petitioner is that the petitioner is facing financial crisis. Therefore they seek to pay in easy installments.

6.The learned Standing Counsel opposed the said prayer.

7.This Court, taking note of the financial circumstances in which the petitioner is placed, is of the view that the interests of justice would be served if facility of payment in easy installments is given. The petitioner is permitted to clear the interest due amount of Rs.4,81,225/- in 18 monthly installments. The first instalment shall commence from 01.06.2018. It is made clear that if the petitioner commits default in remitting two successive monthly instalments, the benefit given by this order shall stand automatically withdrawn.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.M.E.Ilango, Advocate Sr.No.58811

+1cc to Mr.K.Murali Shankar, Advocate Sr.No.59131

TSG

VB/SKN/RSK/SAR1/31.05.2018/2P/3C

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