

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.10.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.33969 of 2013

The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhawan, Dr.Balasundaram Road,
Coimbatore-641018.

...Petitioner

vs.

1. M/s.Prem Durai Exports,
Rep.by its Managing Director,
No.5, Prem Gardens, Rajaji Nagar,
P.N.Road, Tirupur 641 602.

2. The Presiding Officer,
Employees Provident Funds Appellate Tribunal,
7th Floor, No.60, Skylark Buildings,
Nehru Place, New Delhi-110 019.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the 2nd respondent Tribunal dated 15.07.2013 in ATA.No.463(13)2013, and quash the same.

For Petitioner : Mr.J.Sathyanarayana prasad

For Respondents : Mr.S.Gunalan for R1.
R2-Tribunal

O R D E R

The proceedings of the second respondent Tribunal dated 15.07.2013 in A.T.A.No.463(13)2013, is sought to be quashed in the present writ petition.

2. The writ petitioner/Assistant Provident Fund Commissioner filed a writ petition, challenging the appellate Tribunal granting concession of 24 equal installments in payment of interest imposed by the writ petitioner/Association.

3. The learned counsel for the writ petitioner made a submission that the first respondent/Company is running profitability even now and they have not paid any amount so far,

on account of the pendency of the present writ petition.

4. The learned counsel for the first respondent/Company made a submission that the due to be paid to the writ petitioner/Association is Rs.11,26,194/- and the first respondent is ready and willing to settle the entire amount in 12 equal installments.

5. The learned counsel for the writ petitioner also has no serious objection, as they are unable to collect the due amount for the past 6 years, on account of the pendency of the writ petition before this Court.

6. Considering the facts and circumstances of the case, the first respondent is directed to pay the entire due amount of Rs.11,26,194/- in 12 equal installments commencing from 1st November 2019 and every monthly installment is to be paid on or before 10th of every calendar month. In the event of any default in paying the monthly installments, the writ petitioner/authority is empowered to initiate all further actions to recover the amount by following the procedures contemplated under the Rules.

7. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Employees Provident Funds Appellate Tribunal,
7th Floor, No.60, Skylark Buildings,
Nehru Place, New Delhi-110 019.

+1cc to M/s.S.Gunalan, Advocate sr.89333

+1cc to Mr.J.Sathyanarayana prasad, Advocate sr.89126

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gp(co)
nr 27/12/2019

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