

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2019

CORAM

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

W.P.No.5999 of 2016

&

W.M.P.No.5327 of 2016

M/s.TVS Electronics Limited,
South Phase 7A, Second Floor,
Industrial Estate, Guindy,
Chennai - 600 032.
Rep by its Managing Director &
Authorized Signatory
Mr.K.E.Ranganath.

....Petitioner

..Vs..

The Regional Provident Fund
Commissioner - II (Compliance),
Employees Provident Fund Organization,
Regional Office - Tambaram,
No.3, Rajaji Salai,
Chennai - 600 045.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from continuing the proceedings dated 27.11.2015 in No.TB/RO/TAM/Enf/T-1/49642/2015 and initiating any enquiry.

For Petitioner : Mr.G.Anand Gopalan,
for T.S.Gopalan & Co.

For Respondent : Mr.R.Vishnu
for Mr.K.amu

ORDER

The Hon'ble Supreme Court of India in the case of Regional Provident Fund Commissioner Vs. Vivekananda Vidhya Mandir & others dated 28.02.2019 reported in (2019) 2 CTC 302 delivered a judgement settling the legal principles, with reference to the allowances to be included along with basic wages for the purpose of calculating the contributions under the EPF Act.

2. In view of the above judgement, the issues raised in the present writ petition deserves no merit consideration, as the liability of the writ petitioner has now been confirmed by the Hon'ble Apex Court of India. Thus, the petitioner has to pay the contributions as demanded by the respondent. However, the learned counsel appearing on behalf of the petitioner made a submission that the amount will be paid by way of instalments. In view of the fact that the writ petition is pending for more than 3 years, the writ petitioner is directed to pay the entire demanded amount by the respondent in 10 equal instalments commencing from 01.12.2019. In the event any default in payment of monthly instalments, the respondent is at liberty to institute all further proceedings for recovery of the dues by following procedures contemplated.

3. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

mrm
To

The Regional Provident Fund
Commissioner - II (Compliance),
Employees Provident Fund Organization,
Regional Office - Tambaram,
No.3, Rajaji Salai,
Chennai - 600 045.

+1cc to Mr.K.Ramu , Advocate SR.No. 93621
+1cc to Mr.T.S.Gopalan, Advocate SR.No. 93211

A.SK (26/12/2019)

W.P.No.5999 of 2016