

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.22316 & 22317 of 2019

M/s.Cotton Blossom (India) Pvt. Ltd.,
Rep. by its Manager
Mr.T.Senthilkumar

...Petitioner in both W.P.s
vs.

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018. ...Respondent in both W.P.s

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent orders No.CB/CBE/PDC-II/CC-23/86870/INTEREST/2018 dated 08.2018 and No.CB/CBE/PDC-II/CC-29/87081/Interest/2018 dated 19.09.2018 respectively and to quash the same and direct the respondent to accept the remaining outstanding determined amount in 12 equal installments.

For Petitioner in both W.P.s : Mr.P.Thangaraj

For Respondent in both W.P.s : Mr.J.Sathyanarayana Prasad
standing counsel

C O M M O N O R D E R

In both these writ petitions, the petitioner is one and the same. These writ petitions are filed challenging the respective impugned proceedings calling upon the petitioner to remit the interest dues under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within 15 days from the date of receipt of such proceedings. Consequently, the petitioner seeks for a direction to the respondent to accept the remaining outstanding amount in 12 equal monthly installments.

2. Heard both sides.

3. Though these writ petitions are filed by challenging the impugned demand, in effect, the grievance of the petitioner is

against the time granted for making such payment and not against the very demand itself. In other words, the petitioner is willing to pay the impugned demand and interest in monthly installments.

4. The learned standing counsel appearing for the respondent fairly submitted that though there is provision for making such payment in installments, in view of the Circular No.RRC/28(23)06/BIFR dated 11.02.2014 issued by the Employees' Provident Fund Organisation (Ministry of Labour, Government of India), New Delhi, the petitioner should pay the current contributions and Employees share regularly by 15th day of each Month.

5. Considering the fact that the petitioner is not disputing their liability and on the other hand, they seek to make payment only in installments, considering the fact that the said claim is not seriously disputed by the respondent, this Writ Petition is disposed of, by directing the petitioner to pay the impugned demand and interest in 12 equal monthly installments commencing from January 2020 payable on or before 10th day of every Month. The petitioner shall also pay the current contributions and their share regularly by 15th day of every Month without fail. In case of default in paying any installments, it is open to the respondent to take action against the petitioner in accordance with law. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

+2cc to M/s.J.Sathya Narayana Prasad, Advocate
Sr.Nos.105551 and 105552

AKM/10.02.2020/2P-4C /

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