

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.33153 OF 2019

AND

W.M.P.NO.33582 OF 2019

M/s.Dongsan Automotive India Pvt Ltd.,
No.F3-F5, SIPCOT Industrial Part,
Irrungattukottai,
Sriperambudur Taluk,
Kancheepuram District-602 105

Represented by its Authorised Signatory.

... Petitioner

vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office-Ambattur,
Chennai-600 037.

2. The Branch Manager,
SHINHAN BANK, Thandalam Branch,
Sriperumbudur, Kanchipuram District.

3. The Branch Manager,
SHINHAN BANK, Mumbai Branch,
323, Ganapatrao Kadam Marg,
Lower Panel West, Mumbai,
Maharashtra-400 113.

.. Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 04.11.2019 and permit the petitioner to remit the interest claimed under Section 7Q vide dated 05.09.2019 in proceedings No.TN/RO/ AMB/66447/PDC/205/2019-20/DEMAND NOTICE/7Q on 10 monthly instalments.

For Petitioner : Mr.S.Haroon AL.Rasheed for
M/s.T.S.Gopalan and Co.

For Respondent-1: Mr.J.Sathya Narayana Prasad

O R D E R

The relief sought for in the in present writ petition is to direct the first respondent to consider the representation of the writ petitioner dated 04.11.2019 and permit the writ petitioner to remit the interest claimed under Section 7Q vide dated 05.09.2019 in proceedings No.TN/RO/AMB/66447/PDC/205/2019-20/DEMAND NOTICE/7Q on 10 equal monthly instalments.

2. Learned counsel for the writ petitioner made a submission that the entire contributions had already been paid. In respect of interest, the writ petitioner undertakes that the same will be paid in 10 equal monthly instalments and to establish their bona fide, they have enclosed a demand draft Rs.5 lakhs along with the representation dated 04.11.2019.

3. The learned counsel for the writ petitioner further states that the balance amount of interest will be settled in 9 equal monthly instalments and in view of the undertaking given, this Court is inclined to consider the writ petition and accordingly, the following orders are passed:-

(i) The writ petitioner is directed to pay the entire balance amount as demanded by the first respondent-organisation in 9 equal monthly instalments commencing from 1st December 2019.

(ii) The monthly instalment is to be paid on or before 10th day of every calendar month.

(iii) In the event of not paying the instalments, as undertaken by the writ petitioner, the first respondent-organisation is at liberty to initiate all further actions to recover the dues by following the procedures contemplated under the provisions of the Statute.

(iv) The Bank Accounts already attached by the first respondent-organisation stands released and the writ petitioner shall be permitted to operate the account with respondents 2 and 3.

4. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

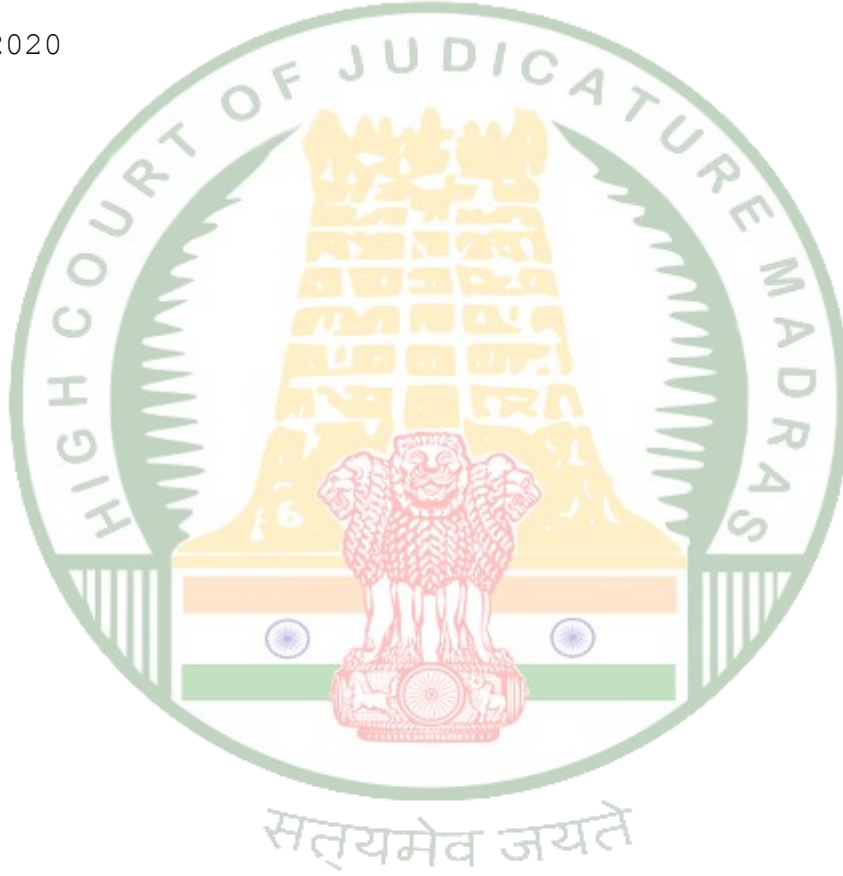
The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office-Ambattur,
Chennai-600 037.

+1cc to Mr.J.Sathya Narayana Prasad, Advocate, S.R.No.99754

+1cc to M/s.T.S.Gopalan and Co., Advocate, S.R.No.99559

W.P.No.33153 of 2019

KK(CO)
CS/06/01/2020



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