

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34452 of 2019
and
W.M.P.Nos.35131 & 35133 of 2019

Coimbatore Popular Spinning Mills Ltd.,
Rep. by Director
SF. No.303, Pongalur Post,
Trichy Main Road, Palladam Taluk,
Tiruppur District - 641 667.Petitioner

vs.

The Assistant Provident Fund Commissioner
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in Ref.No.TN/R.O/CBE/PDC/CC29/12461/7Q PROCEEDING/2016 dated 15.02.2016 passed by the respondent and quash the same and consequently, directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.J.Sathyanarayana Prasad
Standing counsel

O R D E R

This writ petition is filed challenging the impugned proceedings dated 15.02.2016 issued by the respondent, wherein and whereby, the petitioner was called upon to pay a sum of Rs.1,12,39,710/- towards the interest payable under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within 7 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 24 equal monthly installments.

2. Heard both sides.

3. Though this writ petition is 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. He also submitted that number of installments sought for by the petitioner is too longer period and therefore, a reasonable time may be fixed by this Court.

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 20 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. Consequently, connected miscellaneous petitions are closed. सत्यमेव जयते

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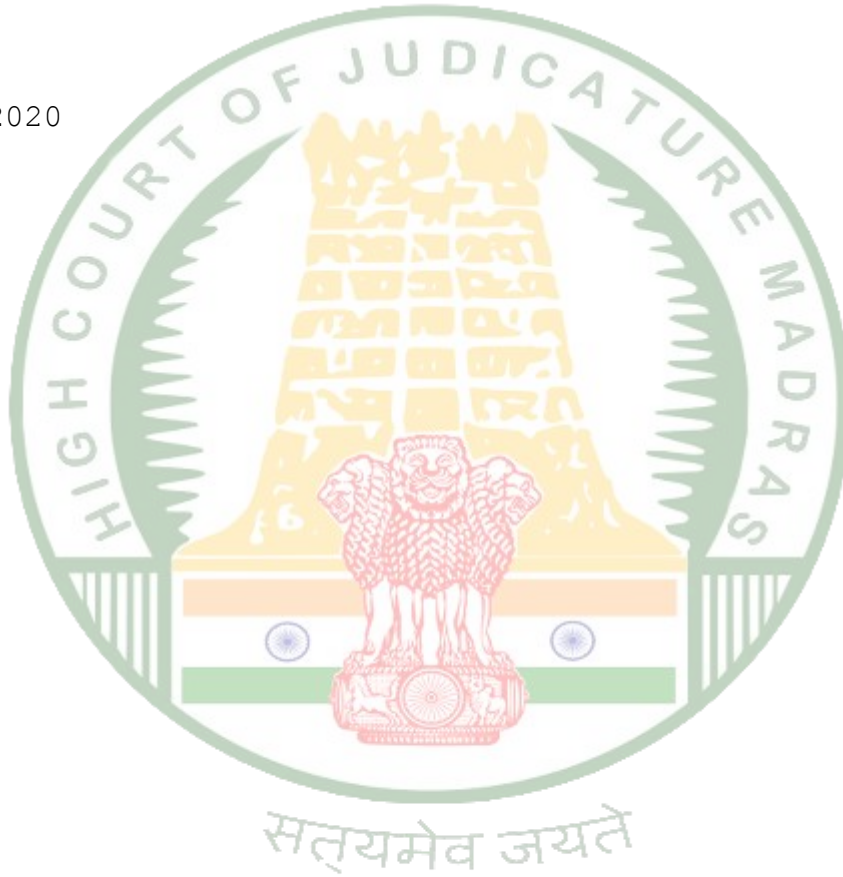
The Assistant Provident Fund Commissioner
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

+lcc to Mr.J.Sathyanarayana Prasad, Advocate sr.105549

+lcc to M/s.S.Gunalan, Advocate sr.105426

W.P.No.34452 of 2019

In (co)
nr 30/01/2020



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