



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2019
CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

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W.P. (MD)No.17906 of 2019
and
W.M.P. (MD)No.14353 of 2019

M/s. Arumbanur Primary Agricultural
Co-Operative Bank Ltd.,
Arumbanur Post.

... Petitioner

/vs./

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai-2

2. The Recovery Officer
Employees Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-2

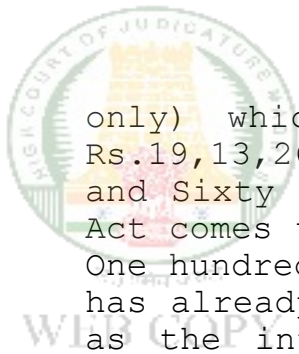
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, calling for the records of the 1st respondent in his proceedings in No.TN / RO/MDU/ 37311 / M-04/PDC / 7Q 2018, dated 05.07.2018 received on 23.07.2019 and consequential notice issued by the 2nd respondent in his proceedings in EPF CP-1 Notice No.MDMDU / 37311 / CP1 / Div-804/2019/A, dated 10.07.2019 and quash the same and permit the petitioner to remit the 7Q interest of Rs.6,32,070/- in 29 monthly easy installments.

For Petitioner : Mr.K.Hemakarthiskeyan
For Respondents : Mr.V.S.V.Venkateshwaran
Standing Counsel

O R D E R

The present Writ Petition is filed as against the order dated 05.07.2018, received on 23.07.2019, directing the petitioner to pay a sum of Rs.6,32,070/- (Rupees Six Lakhs Thirty Two Thousand and Seventy only) towards interest levied under Section 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act (hereinafter referred to as 'the Act'), and also the notice, dated 10.07.2019 directing the petitioner to remit a sum of Rs.19,13,263/- (Rupees Nineteen Lakhs Thirteen Thousand Two Hundred and Sixty Three



only) which includes the above said interest amount. Out of Rs.19,13,263/- (Rupees Nineteen Lakhs Thirteen Thousand Two Hundred and Sixty Three only), the damages levied under Section 14-B of the Act comes to Rs.12,81,193/- (Rupees Twelve Lakhs Eighty One Thousand One hundred and Ninety Three only), as against which, the petitioner has already preferred an appeal and the same is pending. In so far as the interest under Section 7-Q of the Act is concerned, the petitioner concedes that he is willing to pay the amount in 20 installments.

2.Mr.V.S.V.Venkateshwaran, learned Standing Counsel, entered appearance for the respondents and objects the request made by the petitioner for paying the amount in 20 installments and submits that it should be restricted to 6 to 8 installments.

3.Considering the fact that the petitioner is an Agricultural Co-operative Bank, and also the request made by the petitioner, this Court is inclined to grant time to the petitioner to pay the interest to the due of Rs.6,32,070/- (Rupees Six Lakhs Thirty Two Thousand and Seventy only) in 10 equal installments commencing from 01 November 2019, failing which, the respondents are entitled to proceed further in accordance with the relevant provisions of the Statute.

4.This Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (cO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai-2

2.The Recovery Officer
Employees Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Chokkikulam, Madurai-2 .

+1 CC to MR.K.HEMAKARTHIKEYAN, Advocate (SR-89122[F] dated 25/09/2019)



W.P.(MD)No.17906 of 2019

+1 CC to MR.V.S.V.VEKATESHVARAN, Advocate (SR-89679[F] dated
26/09/2019)

W.P. (MD) No.17906 of 2019
24.09.2019

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MK (10.10.2019) 3P 5C