WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.09.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
W.P.(MD) No.20140 of 2019
and
W.M.P.(MD).No.16683 of 2019

M/s.NN141 Panaikulam Primary Agricultural
Co-operative Bank Limited,
rep. by its Secretary,
A.Gopal.

... Petitioner

vs.

1.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation,
Ministry of Labour -Government of India,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-02.

2.The Branch Manager,
The Sivagangai District Central Co-operative Bank
Manamadurai Branch,
Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned orders made in No.TN/RO/MDU/41475/SPL/M-8/PDC/7Q/2019, dated 03.07.2019, No.TN/RO/MDU/41475/SPL/M-8/PDC/14B/2019, dated 03.07.2019 and No.MD/MDU/41475/PDC/M8/SPL/8F/2019, dated 21.08.2019, passed by the 1st respondent and quash the same.

For Petitioner : Mr.P.R.Prithiviraj

For Respondent : Mr.V.S.V.Venkateswaran

O R D E R

This writ petition has been filed, challenging the impugned orders dated 03.07.2019, 03.07.2019 and 21.08.2019, passed by the first respondent.

2.The petitioner is One Man Co-operative Society. However, they voluntarily submitted themselves under the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and they are paying their contribution regularly. However, due to certain difficult circumstances of the Society, contribution could not be paid in time for the period from the month of March, 2014 to October, 2016. Hence, the first respondent, vide order dated 03.07.2019, imposed penal damages to the tune of Rs.2,86,417/- under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [in short, 'the Act'] and also, on the very same day, by way of another order, levied interest for a sum of Rs.1,38,021/- on the petitioner, under Section 7-Q of the Act. Subsequently, vide order dated 21.08.2019, the first respondent, by exercising the power under Section 8-F of the Act, called upon the petitioner to pay a sum of Rs.4,24,438/-. Those orders are under challenge in the present Writ Petition.

3. According to the petitioner, in the impugned orders, no other reasons have been stated for recovering damages. However, the petitioner now voluntarily comes forward to make the payment in 12 installments.

4. The learned counsel appearing for the respondents would vehemently contend that the petitioner is liable to pay the amount immediately and grant of 12 installments is too longer and if at all, any installment is granted, it should be restricted.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is a Co-operative Society and that the petitioner is willing to make the above payment in installments, the petitioner is permitted to clear the dues in 10 equated installments starting from 01 November, 2019, failing which, the respondents are entitled to proceed further in accordance with the relevant Provisions of the Statute.

6. The Writ Petition is ordered accordingly. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Vs

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

TO

1.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation,
Ministry of Labour -Government of India,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai-02.

2.The Branch Manager,
The Sivagangai District Central Co-operative Bank
Manamadurai Branch,
Sivagangai.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-88599[F] dated 23/09/2019)

W.P.(MD) No.20140 of 2019
23.09.2019

KM/(03.10.2019) 3P 4C

https://hcservices.ecourts.gov.in/hcservices/