



WEB COPY

W.P(MD)No.20676 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.20676 of 2019

and

WMP (MD)No.17289 of 2019

M/s.The Janakiram Mills Ltd.,
rep.by its Director
Srivilliputhur Roadm
Sakthi Nagar,
Rajapalayam - 626 117,
Virudhunagar District.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai - 625 002.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in his proceedings No.TN/RO/MDU/437/M09/PDC/LD/2018 dated 02.07.2018 and the consequential auction notice issued by the 2nd respondent in his proceedings No.MDMDU/437/CP1/Div 809/2019/A dated 10.7.2019 and quash the same as illegal and consequently direct the respondents to accept the payment of demanded interest amount of Rs.3,62,023/- in 30 monthly installments.

For Petitioner	: Mr.M.E.Ilango
For Respondents	: Mr.K.Murali Shankar

ORDER

Challenging the impugned order of the first respondent dated 02.07.2018 claiming damages and the auction notice dated 10.07.2019 issued by the second respondent, this writ petition is filed. The petitioner also seeks a direction to the respondents to accept the demanded interest of Rs.3,62,023/- in 30 monthly instalments.

2.By consent, the writ petition itself is taken up for final disposal at the stage of admission.

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3.The respondent Employees Provident Fund Organisation imposed interest under Section 7(Q) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 against the petitioner. The learned counsel for the petitioner would submit that the petitioner is inclined to pay the interest in 20 instalments. On the other hand, the learned counsel for the respondents would contend that at the time of making representation, the petitioner himself has asked for 12 instalments. Therefore, 20 instalments cannot be granted.

4.Considering the submission made by the learned counsel for the respondents, the petitioner is directed to pay a sum of Rs.3,62,023/-, demanded by the respondents towards interest in 12 instalments as prayed by him originally.

5.In so far as the damages is concerned, the petitioner seeks time to file an appeal. It is open to the petitioner to file an appeal if he chooses, within a period of two weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above observation. No costs. Consequently, WMP(MD)No.17289 of 2019 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai - 625 002.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Lady Doak College Road,
Madurai - 625 002.

+1 CC to Mr.K.MURALI SANKAR, Advocate SR-89257.

+1 CC to Mr.M.E.Ilango, Advocate SR-89323.

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25.09.2019

CS(11.10.2019) 2P 5C