



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.21350 of 2019

and

W.M.P (MD)No.17994 of 2019

WEB COPY

M/s.The Bharathi Co-operative Spinning Mills Ltd.,
Post Bag No.1, Vilathikulam Road,
Ettayapuram, Thoothukudi - 628 902,
Rep.by its Managing Director.

... Petitioner

Vs.

The Regional Provident Fund Commissioner -II,
Employees Provident Fund Organization,
Regional Office, NGO 'B' Colony,
Tirunelveli - 627 007.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records of the respondent in his proceedings in CB/TNY/20504/7Q/729(2019)/PDC(2)/2019, dated 26.09.2019 and quash the same and to permit the petitioner to clear the 7Q interest of Rs.15,98,703/- in 35 easy monthly installments.

For Petitioner : Mr.M.Elanchezhian,
For Respondent : Mr.Sathish Kumar

O R D E R

When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to make the payment and the entire amount may be directed to be paid in 35 installments.

2.The said contention was opposed by the learned counsel for the respondent stating that the amount is due to the employees and hence, the proceedings have been initiated against the petitioner. However, he would submit that the amount payable shall be deposited in 12 equal monthly installments apart from paying the monthly regular installments without any default.

3.The learned counsel for the petitioner would submit that the petitioner company is sick and hence, they are unable to pay the amount in time.



4.Taking note of the above said submission, the entire amount due shall be paid in 12 equal monthly installments together with regular monthly installments payable. The first installment shall commence from January 2020. In case of failure of paying any one of the installments, the order of the authority shall automatically restored. It is needless to mention that the property of the Director and other officers concerned can be attached for the purpose of collecting dues payable to the Employees Provident Fund.

5.This Court is of the view that though the company becomes sick, the Managing Director or the Director of the said company become rich and richer by non payment of money to the Employees Provident Fund. Hence, I am of the view that the Employees Provident Fund Act needs to be amended with stringent provisions, more particularly, in case of default of payment, the power supply to the residence of the Managing Director or the Director of the company, shall be disconnected till the amount is paid.

6.With the above observation, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Das
TO
The Regional Provident Fund Commissioner -II,
Employees Provident Fund Organization,
Regional Office, NGO 'B' Colony,
Tirunelveli - 627 007.

+1 CC to MR.N. SATHEESH KUMAR, Advocate (SR-102161[F] dated 28/11/2019)

+1 CC to MR.K. HEMAKARTHIKEYAN, Advocate (SR-102264[F] dated 28/11/2019)

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KM/ (07.01.2020) 2P 4C

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