



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P.(MD)No.25351 of 2019

and

WMP(MD)Nos.21915 & 21916 of 2019

M/s.Excel Neat and Tidy Agency
23C/6, Besant Road,
Chinna Chokkikulam,
Madurai - 625 002,
rep.by its Proprietor

.. Petitioner

Vs.

The Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in his proceedings in No.MDMDU10591/0057410/06/04/2017/501/35 dated 08.05.2017 /13.06.2017 and Consequential EPF CP-25 Notice NO.MD/MDU/57410/M-04/RECY/CP-25/2019 dated 5.11.2019 and quash the same and permit the petitioner to remit the balance 14B damages 7Q interest of Rs.4,87,087/- in 15 monthly easy installments.

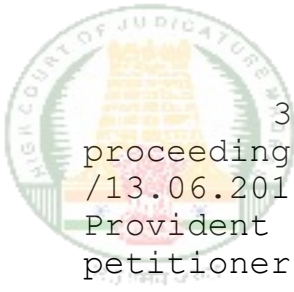
For Petitioner : Mr.M.Elanchezhian

For Respondent : Mr.John Xavier

ORDER

Mr.John Xavier, learned Standing Counsel takes notice on behalf of the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed challenging the impugned order passed by the respondent in his proceedings, dated 13.06.2017 and consequently to direct the respondents to permit the petitioner to remit the balance 14B damages 7Q interest of Rs.4,87,087/- in 15 monthly easy installments.



3.The respondent has passed the impugned order in proceedings No.MDMDU10591/0057410/06/04/2017/501/35 dated 08.05.2017 /13.06.2017, demanding interest under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner herein. The total due as per the order is Rs.7,10,185/-.

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4.The learned counsel appearing for the petitioner would submit that the petitioner is liable to pay only a sum of Rs.4,87,087/- and the remaining amount has already been taken by respondent from the petitioner's account.

5.Even though an appeal remedy is available against this order impugned, the petitioner is willing to comply with the order. But he expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in 15 installments.

6.The learned counsel appearing for the respondent would vehemently oppose the proposal made by the petitioner. The learned counsel would submit that 15 installments is too longer a period and it should be restricted.

7.Considering the factual circumstances, the petitioner is directed to make the demanded payment in 10 equated monthly installments. In case of default, the respondent is entitled to initiate action in accordance with law.

8.The writ petition is disposed of accordingly. No costs. Consequently, WMP(MD)Nos.21915 & 21916 of 2019 are closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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+1 CC to M/s.K. HEMAKARTHIKEYAN, Advocate (SR-102265[F] dated 28/11/2019)

+1 CC to M/s.A. JOHN XAVIER, Advocate (SR-102483[F] dated 29/11/2019)

W.P.(MD)No.25351 of 2019

AL(CO)

TR(10.01.2020) 2P 3C