

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.1058 of 2020
and
W.M.P.No.1262 of 2020

M/s.Sterling Lab
Rep. by its authorised signatory
No.57, Sipcot Industrial Complex
Hosur - 635 126. ...Petitioner

vs.

Assistant Provident Fund Commissioner (Comp-II)
Regional Office, Salem
S.J.Plaza, Swarnapuri
Salem - 636 004. ...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in Ref.No.CB/SLM/RO/PDC/K-II/28392/7Q- Proceeding/2019 dated 03.01.2020 passed by the respondent and quash the same and consequently, direct the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.

For Petitioner : Mr.S.Gunalan
For Respondent : Mr.R.Thirunavukkarasu
standing counsel

O R D E R

Mr.R.Thirunavukkarasu, learned standing counsel takes notice for the respondent. By consent of both the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order dated 03.01.2020 passed by the respondent and consequently, seeks for a direction to the respondent to accept the remaining outstanding amount determined in the impugned order in 24 instalments.

3. Heard both sides.

4. The petitioner is a Company running a Pharmaceutical formulation. It appears that there was some belated payments

during the period from 09/2014 to 04/2019 of EPF contributions. Hence, the respondent issued the impugned proceedings dated 03.01.2020 under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, demanding interest of Rs.10,26,335/- to be paid within a period of 15 days from the date of receipt of the impugned order.

5. The learned counsel for the petitioner submitted that the petitioner is not disputing the quantum of interest demanded in the impugned proceedings and however, their grievance is against the time granted for making such payment. Therefore, he submitted that if the petitioner is granted permission to make the impugned demand in 24 equal monthly instalments, they would pay so without any default.

6. The learned standing counsel appearing for the respondent, on the other hand, contended that the period during which, the belated payments were made is from 09/2014 to 04/2019 and therefore, the respondent has rightly imposed interest under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and thus, the petitioner cannot seek any indulgence from this Court.

7. Though this writ petition is filed challenging the impugned proceedings, in effect, the challenge is not against the quantum, but only against the time to make the payments. The petitioner has come forward to make the payments in 24 equal monthly instalments. However, considering the fact that the delayed period is from 09/2014 to 04/2019 and further considering the fact that the quantum of interest levied is Rs.10,26,335/-, this Court is of the view that the interest of both parties will be protected, if the following order is passed.

The petitioner is permitted to pay the said sum of Rs.10,26,335/- in 12 equal monthly instalments commencing from February 2020 payable on or before 5th day of every month. The petitioner shall also pay the monthly instalments on or before 5th day of every succeeding month. If any one of the instalments is not paid as directed by this Court, the respondent is at liberty to take action against the petitioner in accordance with law for recovery of the entire balance amount.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

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

Sub Assistant Registrar

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To
Assistant Provident Fund Commissioner (Comp-II)
Regional Office, Salem
S.J.Plaza, Swarnapuri
Salem - 636 004.

+lcc to Mr.S.Gunalan , Advocate SR.No. 3769

+lcc to Mr.R.Thirunavukkarasu , Advocate SR.No. 6042

W.P.No.1058 of 2020

A.SK(17/02/2020)