

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7032 of 2020

M/s.Smart Modern School,
Rep by its, General Secretary,
N.Dinakaran,
Son of Natarajan,
No.5/15, Oorvali Thottam,
Ammapalayam,
Velampalayam, Anypparpalayam (Post),
Tiruppur - 641 652. Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner - II,
Employee's Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore - 641 018.
- 2.The Enforcement Officer, CC 23,
Employee's Provident Organisation,
District Office, Tiruppur. Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to permit the petitioner school to remit the damages and interest amount to a sum of Rs.15,82,099/- (Rupees Fifteen Laks Eight Two Thousand and Ninety Nine Only) levied by the respondents u/s.14 B and 7 Q of the Employee's Provident Funds and Miscellaneous Provision Act on monthly equated instalments by considering representation dated 28.02.2020.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.J.Sathya Narayana Prasad
Standing Counsel for EPFO [for R1]

O R D E R

The petitioner is liable to pay a sum of Rs.15,82,099/- towards damages and interest on the delayed contribution payable to the 1st respondent Organisation. Now, that he comes out with the prayer to make the payment in 24 equal monthly instalments commencing from next month.

2. The learned counsel for the 1st respondent would vehemently contend that his demand is only for belated payment, even this is permitted to be paid in 24 instalments, it will further delay the payment and the respondent is entitled to collect the same along with interest for the extended time. He would further request that 24 months time is too longer a period. Therefore, seeks to restrict the same to a shorter period of one year. Further, the 1st respondent issued a circular No.RRC/28(23)06/BIFR dated 11.02.2014 on condition that the instalment shall be paid regularly on or before 15th of each month and it shall be paid along with interest.

3. Considering the factual circumstances, the petitioner is permitted to remit the outstanding amount in 15 equal monthly instalment commencing from April 2020. It is made clear that instalment shall be paid on or before 15th of every month along with regular instalment.

In view of the above said order, any attachment orders issued will be kept in abeyance. In case of default, the respondents are entitled to revive the order. Writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Provident Fund Commissioner - II,
Employee's Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore - 641 018.

2.The Enforcement Officer, CC 23,
Employee's Provident Organisation,
District Office, Tiruppur.

+1 cc to M/s.J.Sathya Narayana Prasad, Advocate,sr.24335

+1 cc to M/s.K.Myilsamy, Advocate,sr.24384

vsnII(co)
krd 2/9

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