



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33988 of 2019

M/s.NEPC Textiles Ltd.,
Rep. by its Chief Executive,
N.Padmanaban,
1678, Trichy Road, Ramanadhapuram,
Coimbatore 641 045.

...Petitioner

Vs.

Asst. Provident Fund Commissioner,
Employees Provident Fund Organization,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore 641 018.

...Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for records of order Ref.No.TN/CBE/PDC-I/CC-17/21376/Interest u/s 7Q/2018, dated 28.08.2018 passed by the respondent to quash the same and directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal installments.

For Petitioner : Mr.P.Thangaraj

For Respondent : Mr.C.Kulanthaivel
Standing Counsel

O R D E R

This writ petition is filed challenging the order of the respondent dated 28.08.2018, directing the petitioner to pay a sum of Rs.21,00,456/- towards interest under section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 for the period from 10/2015 to 10/2016, within a period of 15 days. Consequently, the petitioner seeks for a direction to the respondent to accept the outstanding amount in 24 equal installments.



2. Though this writ petition is filed challenging the order of the respondent dated 28.08.2018, in effect, the grievance of the petitioner is not against the quantum referred to therein and on the other hand, it is against the time granted for making such payment. Therefore, it is evident that the petitioner is not disputing the quantum and only seeks permission to pay the demand made under the impugned proceedings by way of 24 monthly installments.

3. Learned counsel for the petitioner submitted that the petitioner Company itself was closed as early as in the year 2011 and therefore, the petitioner has to make arrangements to pay this huge sum and consequently, they must be provided an opportunity to pay it in installments.

4. Per contra, the learned Standing Counsel for the respondent submitted that the interest is demanded for the belated payment of the dues for the period from 10/2015 to 10/2016 and summons were issued to the petitioner as early as on 21.07.2017 to make such payment and therefore, the petitioner cannot seek any indulgence from this Court to pay the impugned demand in installments.

5. Heard both sides and perused the materials placed before this Court.

6. As pointed out earlier, the grievance of the petitioner is not against the quantum of the interest demanded in the impugned proceedings, wherein the petitioner was called upon to pay the said sum of Rs.21,00,456/- within a period of 15 days. Their grievance is that the respondent should have given some breathing time for them to pay the said sum, that too, in monthly installments, in view of the fact that the petitioner Textile Mill was already closed as early as in the year 2011. No doubt, the demand of interest is referable to belated payment of the dues for the period from 10/2015 to 10/2016. Since the petitioner is not disputing the quantum and seeks permission to pay the same in installments, this Court is of the view that no prejudice would be caused to the respondent, if the amount is paid in installment by granting some reasonable timeframe. However, as I consider that the claim of 24 monthly installments is not reasonable in view of the fact that the interest is claimed for the period 2015-2016, interest of justice would be met if the petitioner is directed to pay in 18 equal monthly installments commencing from 20th January of 2020.



7. Accordingly, this writ petition is disposed of by issuing the following directions:

a) The petitioner shall pay a sum of Rs.21,00,456/- in 18 equal monthly installments, commencing from 20th January 2020.

b) Every installment shall be paid on or before 20th of every month, commencing from January 2020.

c) If the petitioner fails to pay even one installment, the respondent is at liberty to proceed to recover the total balance amount as on that date by resorting to the remedy available under law.

No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vri

To

Asst. Provident Fund Commissioner,
Employees Provident Fund Organization,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore 641 018.

+1cc to M/s.C.Kulanthaivel, Advocate SR.525

+1cc to M/s.P.Thangaraj, Advocate SR.606

W.P.No.33988 of 2019

CNR(CO)

CB(23/01/2020)