



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34087 of 2019

M/s.Singara Estate,
Rep. by its Manager,
Mr.Godwin Reginald,
Post Box No.15,
Coonoor 643 101.

...Petitioner

Vs.

Regional Provident Fund Commissioner-II,
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 the records relating to the impugned order bearing Ref.No.CB/CBE/PDC-II/CC-27/665/INTEREST/2019 dated 05.11.2019 to quash the same and direct the respondent to accept the remaining outstanding determined amount in 12 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 05.11.2019, wherein and whereby the petitioner was called upon to pay a sum of Rs.3,74,420/- towards interest payable under Section 7Q of EPF and MP Act, 1952 for the relevant period from 04/2018 to 03/2019 (Due months 01/2016 to 01/2019), within a period of 15 days. Consequently, the petitioner seeks for a direction to the respondent to accept the outstanding amount in 12 equal installments.

2. The grievance of the petitioner is not against the quantum of interest demanded in the impugned proceedings and on



the other hand, it is against the time granted for making such payment. According to the petitioner, a reasonable time should have been granted to make such payment in monthly installments.

3. Learned counsel for the petitioner submitted that the petitioner Company is facing severe problems from the year 2013-14 due to various issues in view of the low productivity of the crops, due to shortage of labour, aged tea plants, unavailability of fertilisers, etc., Therefore, he submitted that it will be difficulty for the petitioner to pay the amount demanded in the impugned proceedings in one lumpsum.

4. Per contra, the learned Standing Counsel for the respondent submitted that it is the duty of the petitioner to pay the dues then and there without making belated payment and therefore, the respondent has rightly imposed the interest. He further submitted that the petitioner is not justified in seeking a direction to the respondent to accept the payment in monthly installment in view of the fact that the amount due is only Rs.3,74,420/-.

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

6. As already stated supra, the grievance of the petitioner is not against the quantum of the interest demanded under Section 7Q of the Act and on the other hand, it is against the time granted therein for making such payment. Though the learned counsel for the respondent submitted that the impugned demand was made towards the interest for the belated payment and therefore the petitioner should not seek indulgence for paying the demand in monthly installment, I am of the view that once the petitioner has come forward to make the payment in installment by citing some financial crisis, interest of justice would be met, if some breathing time is given to the petitioner, in any way not by granting 12 monthly installments, as sought for in this writ petition.

7. Considering the above facts and circumstances and in view of the fact that the petitioner has admitted its liability to pay the interest and only they are seeking for paying the interest in installments, this writ petition is disposed of with the following directions:

a) The petitioner shall pay a sum of Rs.3,74,420/- in 6 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
Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore 641 018.

+1cc to Mr.C.Kulanthaivel, Advocate SR.574
+1cc to Mr.P.Thangaraj, Advocate SR.605

W.P.No.34087 of 2019

CNR(CO)
CB(23/01/2020)