



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.1449 of 2020

and

W.M.P(MD)No.1154 of 2020

K.J.Sri Renga Perumal Raja,
Joint Managing Director,
M/s.Jai Renga Mills Private Ltd.,
P.O.47, 545, Tenkasi Road,
Rajapalayam,
Virudhunagar District.

:Petitioner

.vs.

1.The Assistant Commissioner,
Employee's Provident Fund Organization,
Madurai.

2.The Recovery Officer,
Employee's Provident Fund Organization,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings No.MD/MDU/10314/Recy/CP-25/2019 dated 26.12.2019 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to provide the 60 monthly installments for the amount of interest at Rs.8,05,614/- by the respondents.

For Petitioner

:Mr.S.Karthik

For Respondents

:Mr.Murali Shankar,
Standing Counsel

O R D E R

Mr.Murali Shankar, learned standing counsel takes notice for the respondents/Employees Provident Fund Organization.

2. By consent of both parties, the writ petition is taken up for final disposal.



3.This writ petition has been filed seeking issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings No.MD/MDU/10314/Recy/CP-25/2019 dated 26.12.2019 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and to consequently direct the respondents to provide 60 monthly installments, for payment of interest at Rs.8,05,614/-.

4. It is seen that the second respondent has issued notice of demand under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, against the petitioner herein. The total due as per the notice is Rs.8,05,614/- (Rupees Eight Lakhs Five Thousand Six Hundred and Fourteen Only). Subsequently, the petitioner sent a representation on 21.12.2019 requesting the respondents to permit him to pay the demand in 60 installments. However, the second respondent passed the impugned order directing execution of warrant of arrest of the petitioner. Now, the petitioner expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in 60 installments.

5.The learned standing counsel appearing for the respondents would vehemently oppose the proposal made by the petitioner. The learned counsel would submit that 60 installments is too longer period and it should be restricted.

6. After some deliberations, the petitioner agreed that he would pay the demand in sixteen equal monthly installments.

7. Considering the factual circumstances, the petitioner is directed to make the demanded payment in 15 equal monthly installments and the first installment shall be paid on or before 15.02.2020. In case of any default, the respondents are entitled to initiate action in accordance with law.

8.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Assistant Commissioner,
Employee's Provident Fund Organization,
Madurai.

2.The Recovery Officer,
Employee's Provident Fund Organization,
Madurai.

+1 CC to MR.K.MURALI SANKAR, Advocate (SR-2976[F] dated
24/01/2020)

+1 CC to MR.S.KARTHIK, Advocate (SR-3044[F] dated 27/01/2020)

ORDER MADE IN
W.P (MD) NO.1449 of 2020
24.01.2020

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