



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.1382 of 2020

and

W.M.P(MD)Nos.1117 and 1119 of 2020

The Oxford Engineering College,
Represented by its Chairman,
M.Subramaniam

:Petitioner

.vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block,
No.18, Madurai Road,
Trichy - 620 008.

2.The Enforcement Officer,
Employees Provident Fund Organization,
Regional Office,
P.B.No.588, Sri Complex, D-Block,
No.18, Madurai Road,
Trichy - 620 008.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the first respondent dated 25.11.2019 vide No.ENF-B3/CB/TRY/43797/RO-TRY/2019-2020 and the consequential proceedings of the 1st respondent dated 24.12.2019 vide No.Enf.B3/TN/RO-TRY/43797/8F/CURRENT DEMAND/2019 and quash the same.

For Petitioner

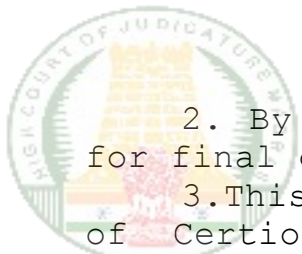
:M/s.J.Anandhavalli

For Respondents

:Mr.G.Dharmaraja
Standing Counsel

O R D E R

Mr.G.Dharmaraja, 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, calling for the records pertaining to the impugned order of the first respondent dated 25.11.2019 vide No.ENF-B3/CB/TRY/43797/RO-TRY/2019-2020 and the consequential proceedings of the 1st respondent dated 24.12.2019 vide No.Enf.B3/TN/RO-TRY/43797/8F/CURRENT DEMAND/2019 and quash the same.

4. The first respondent has passed an order in proceedings No.ENF-B3/CB/TRY/43797/RO-TRY/2019-2020, dated 25.11.2019 demanding remittance of dues, which is inclusive of penal damages under Section 14B and interest under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner herein. The total due as per the order is Rs.41,17,415/- (Rupees Forty One Lakhs Seventeen Thousand Four Hundred and Fifteen Only). Even though an appeal remedy is available against this order, the petitioner is willing to comply with the order. But he expresses his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in 20 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 20 installments is too longer period and it should be restricted.

6. After some deliberations, the petitioner agreed that he would pay the demand in fifteen 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 petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

1.The Assistant Provident Fund Commissioner,
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Employees Provident Fund Organization,
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+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-2860[F] dated
24/01/2020)

+1 CC to MR.G.DHARMARAJA, Advocate (SR-3223[F] dated 27/01/2020)

ORDER MADE IN
W. P (MD) NO.1382 of 2020
24.01.2020

_KM/ (03.02.2020) 3P 5C