



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 9073 of 2020

and

W.M.P. (MD) No. 8289 of 2020

WEB COPY

Dd.576. Kalanchipatti Primary
Agricultural Co Operative Bank,
Rep Through its Secretary,
Kalanchipatti, Oddanchatram Taluk,
Dindigul District.

... Petitioner

Vs.

1. The Regional Provident Fund Commissioner -II,
Employees Provident Fund Organisation,
Regional Office, Bhavaishya Nidhi Bhavan,
Chokkikulam, Madurai-625 002

2. The Assistant Provident Fund Commissioner,
Regional Office, No.1, Lady Doak College,
Chokkikulam, Madurai-625 002

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to permit the petitioner to remit the arrears of EPF Contribution for the period from January 2015 to May 2018 of Rs.5,06,877/- in 12 equal monthly installments and thus render justice.

For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.Venkateswaran
Standing Counsel

ORDER

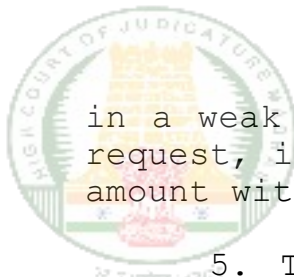
Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is a Co-operative Society. The petitioner has to pay a sum of Rs.5,06,877/- (Rupees Five Lakhs Six Thousand Eight Hundred and Seventy Seven only) by way of EPF contribution. They are in arrears and the petitioner Society seeks time for clearing the said liability in easy installments.

3. The learned Standing Counsel for the respondents states that it is not open to the Court to fix installments. Technically, the said proposition is correct.

4. The petitioner is a Co-operative Bank and it appears to be

<https://hcservices.ecourts.gov.in/hcservices/>



in a weak financial condition and even, if I deny the petitioner's request, it would not be possible for the respondents to recover the amount within the extended time now sought for.

5. Therefore, considering the interest of justice, I permit the petitioner to clear the petition mentioned arrears in eight monthly installments. The first installment will have to be paid on 10.09.2020. If the petitioner commits any default in remitting the installments, the order now passed by this Court would stand recalled and it is open to the respondents to take action against the petitioner as per law.

6. This Writ Petition is allowed on these terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To:

1. The Regional Provident Fund Commissioner -II,
Employees Provident Fund Organisation,
Regional Office, Bhavaishya Nidhi Bhavan,
Chokkikulam, Madurai-625 002

2. The Assistant Provident Fund Commissioner,
Regional Office, No.1, Lady Doak College,
Chokkikulam, Madurai-625 002

+1 CC to Mr.V.O.S. KALAISELVAM, Advocate (SR-14804[F] dated
24/08/2020)

W.P. (MD)No.9073 of 2020

21.08.2020

SPU (25.08.2020) 2P 4C