



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.5150 of 2017 and

WMP (MD)No.4149 of 2017

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M/s.White Memorial Homeo Medical College,  
Attoor,  
Veeyannoor Post - 629 177,  
Kanyakumari District,  
Rep by its Principal,  
Dr.T.R.Leelabai.

Petitioner

Vs

1.The Assistant Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Sub Regional Office,  
No.66, Water Tank Road,  
Nagercoil - 629 001,  
Kanyakumari District.

2.The Recovery Officer,  
Employees Provident Fund Organization,  
Sub Regional Office,  
No.66, Water Tank Road,  
Nagercoil - 629 001.  
Kanyakumari District.

Respondents

**PRAYER:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice dated 20.02.2017 in RRC No.MDNKL317/0029666/16/04/2014/501/35, issued by the 2<sup>nd</sup> respondent herein and quash the same.

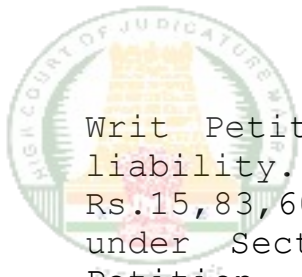
For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.K.Gurunathan

### **O R D E R**

Heard the learned counsel appearing for the Writ Petitioner and the learned standing counsel for Employees Provident Fund Organization.

2. The petitioner is an establishment coming under the purview of EPF Act 1952. The petitioner had delayed in remitting the contribution under Section 7(A) of the Act. Therefore, the respondents levied interest. They have also levied damages under Section 14B of the Act. Put together interest and damages come to Rs.21,81,932/-. The respondent attached the bank account of the



Writ Petitioner and had recovered a major portion of the said liability. It appears that the recovered amount is Rs.15,83,602/- . The recovery action taken by the respondents under Section 8 of the Act is under challenge in this Writ Petition.

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3. The petitioner had also independently questioned the levy of interest and the levy of damages. While this Court had dismissed the challenge regarding levy of interest, order levying damages was quashed on a technical ground and the matter was remanded to the file of the first respondent. This Court therefore taking note of those developments, permits the first respondent to retain the amount recovered towards interest levied under 7Q of the Act. The balance amount shall be adjusted by the respondents against other liabilities of the petitioner herein. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

**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.

**To**

- 1.The Assistant Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Sub Regional Office,  
No.66, Water Tank Road,  
Nagercoil - 629 001,  
Kanyakumari District.



2.The Recovery Officer,  
Employees Provident Fund Organization,  
Sub Regional Office,  
No.66, Water Tank Road,  
Nagercoil - 629 001.  
Kanyakumari District.

+1 CC to M/s.K. GURUNATHAN, Advocate ( SR-13362[F] dated  
30/07/2020 )

+1 CC to M/s.R. VIJAYAKUMAR, Advocate ( SR-13421[F] dated  
31/07/2020 )

**W.P. (MD)No.5150 of 2017 and**  
**WMP (MD)No.4149 of 2017**  
**30.07.2020**

SCR(CO)  
TR(17.08.2020) 3P 5C