

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.802 OF 2021

AND

WMP NO.863 OF 2021

M/s.SLB Logistics Pvt. Ltd.,
Rep. by its Authorised Signatory
Unicorn House, 24, (Old No.322)
Thambu Chetty Street,
Chennai - 600 001. Petitioner

Vs.

- 1.The Asst. Provident Fund Commissioner (Compliance)
Employees' Provident Fund Organisation
Office of the Regional Provident Fund Commissioner
37, Royapettah High Road,
Chennai - 600 014.
- 2.The Recovery Officer
Employees' Provident Fund Organisation
Office of the Regional Provident Fund Commissioner
37, Royapettah High Road,
Chennai - 600 014. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to permit the petitioner to remit the employers share of contributions determined in Section 7A proceedings dated 21.02.2020 in proceedings No.TN/CHN/CC-I/11/TN-1749831/Enf/2019-2020 on 15 monthly instalments, pursuant to its representation dated 23.12.2020.

For Petitioner : M/s.T.S.Gopalan & Co.,

For Respondents: Mr.T.R.Sundaram

O R D E R

The petitioner is an Assessee covered by the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. On 21.02.2020, the first respondent passed an order under Section

7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, directing the petitioner to make the contribution due from 01.04.2015 to 31.03.2018 to the tune of Rs.21,14,435/-. The petitioner has not challenged the said order, but however, seeks for a direction to the first respondent to permit them to remit payment in installments due to the financial constraint faced by them.

2.Mr.T.R.Sundaram, learned counsel for the respondents would vehemently oppose the segregation of amount of Employer's share and Employees' share and would submit that the entire contribution shall be paid along with interest and damages.

3.However, considering the pandemic situation and the financial constraint projected by the petitioner, this Court is inclined to grant payment of Employer's share of the contribution, as ordered by the first respondent on 21.02.2020, under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, in 15 installments, commencing from 1st February 2021. In the event of default in payment of contribution, the respondents are free to proceed further under Section 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 also.

4.The Writ Petition is disposed of in the above lines. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

TK

To

1.The Asst. Provident Fund Commissioner (Compliance)
Employees' Provident Fund Organisation
Office of the Regional Provident Fund Commissioner
37, Royapettah High Road,
Chennai - 600 014.

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2.The Recovery Officer
Employees' Provident Fund Organisation
Office of the Regional Provident Fund Commissioner
37, Royapettah High Road,
Chennai - 600 014.

+1cc to M/s.T.S.Gopalan & Co, Advocate Sr.2546
+2cc to M/s.T.R.Sundaram, Advocate Sr.3608

W.P.NO.802 OF 2021

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srg 12/02/2021



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