

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2599 of 2021

M/s.Thiashola Estate,
Rep. by its Manager - Finance,
Mr.A.Soosai Arulappan,
Kundah Bridge, Thiashola Post,
The Nilgiris - 643 207.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

... Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing Ref. No.TN/RO/CBE/PDC/CC-27/712/7QINTEREST/2021, dated 19.01.2021 passed by the respondent to quash the same and direct the respondent to accept the remaining outstanding determined amount in 24 equal installments.

For Petitioner : Mr.P.Thangaraj
For Respondent : Ms.R.Meenakshi
Standing Counsel

सत्यमेव जयते
O R D E R

Challenging the order passed under Section 7Q of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, of the respondent, the petitioner has come before this Court.

2. Even though a larger prayer was sought for in the writ petition, the learned counsel for the petitioner, at the time of hearing, would restrict his prayer that if the petitioner is permitted to remit the amount in 24 equal installments, he would be satisfied.

3. Ms.R.Meenakshi, learned Standing Counsel appearing for the respondent would vehemently oppose the request made by the learned counsel for the petitioner.

4. I heard the submissions made by the learned counsel appearing on either side.

5. Now, the amount of interest ordered by the respondent to the tune of Rs.28,67,992/- has been accepted by the petitioner and he is willing to pay the amount. Due to financial constraints, he is not in a position to remit the amount in one lump sum. In the interest of the beneficiaries, it is always better to recover the money than litigating and protracting the proceedings.

6. Considering the same, this Court is inclined to grant permission to the petitioner to remit the interest amount in installments. However, there is some force in the contention of the learned counsel for the respondent that the interest amount in turn has to be paid to the respondent's employees, therefore, 24 equal installments cannot be granted to the petitioner.

7. Considering the facts and circumstances of the case, the petitioner is directed to remit the said amount of Rs.28,67,992/- (Rupees Twenty eight lakh sixty seven thousand nine hundred and ninety two only) in 18 installments. The installments shall be commenced from the month of March, 2021 and the petitioner shall pay the amount on the 5th of every month. In case of any default in making the payment, the respondent is entitled to charge interest for the delayed payment.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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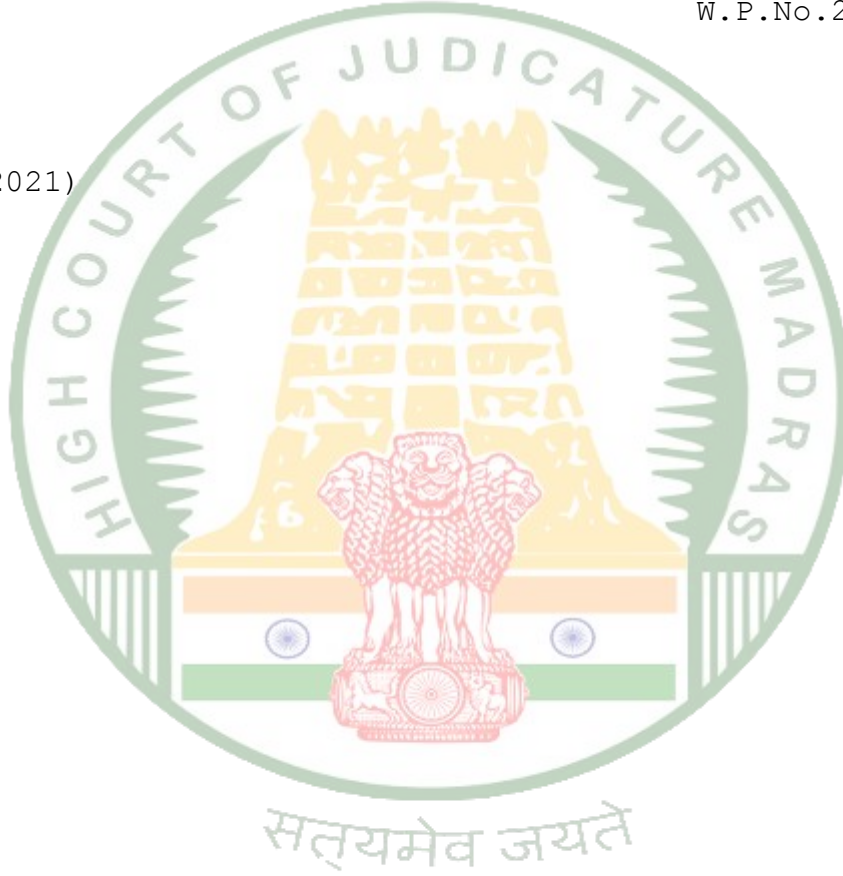
To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

+1 CC to M/s.R. Meenakshi, Advocate sr 6955.

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SMI (CO)
SP(02/03/2021)



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