

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.8239 of 2021

and

Wmp.No.8790 of 2021

M/s.Peri Software Solutions Private Limited,
Represented by its Director, Mr.Sasikumar,
Chennai - 600 048. Petitioner

Versus

- 1.The Recovery Officer,
Regional office,
Employees Provident Fund Organisation,
No.37, Royapettah High Road, Chennai - 600 014.
- 2.The Authorised Officer,
Employees Provident Fund Organisation,
Regional Office, No.37, Royapettah High Road,
Chennai - 600 014. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to receive the payment in respect of 7Q and 14 B of the Employees Provident Fund and Miscellaneous Provisions Act from the petitioner in 37 monthly instalments and pass such further or other orders as this hon'ble court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.Devaraj
For Respondents : Mr.R.Vishnu,
Standing Counsel

O R D E R

This Writ Petition has been filed by the petitioner seeking for a direction to the respondents to receive payment in respect of 7Q and 14 B of the Employees Provident Fund and Miscellaneous Provisions Act in 37 monthly installments.

2.According to the Writ Petitioner, they are in some financial constraint, due to the Covid -19 condition and therefore, they seek permission to make the payment in 37 monthly installments rather than challenging the order passed under Section 14 B of the Act by filing an appeal.

3.The learned counsel for the respondents, on instructions, would submit that arrears of payment is very high and the number of installments sought for by the petitioner is also very long. Therefore, he would vehemently oppose for grant of 37 monthly installments.

4.Considered the submissions.

5.It appears that the petitioner company is not running due to Covid-19 situation and therefore, they have committed the default. It is not in dispute that they have made contribution, but, what is due is only the interest and damages. In such circumstances, I am inclined to grant the relief sought for by the Writ Petitioner, with the following conditions:-

(i) The petitioner is permitted to make monthly installments at the rate of Rs.1,50,000/- commencing from April, 2021.

(ii) The petitioner is also directed to give a letter of undertaking in favour of the respondents that:

(a) they will not encumber or alienate the properties till full payment is made.

(b) they are also directed to give a revolving bank guarantee to the tune of one month installment that is equal to Rs.1,50,000/-.

(iii) The respondents are directed to release the attachment of the bank account of the petitioner immediately on the submission of undertaking by the Writ Petitioner.

(iv) In case of default in payment of installments, the respondents are entitled to impose penal interest and the shall resume the recovery action.

6.With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

klt
To

1.The Recovery Officer,
Regional office,
Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai - 600 014.

2.The Authorised Officer,
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.

+lcc to Mr.M.Devaraj, Advocate SR.No. 21161

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A.SK(15.04.2021)



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