



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WP NO.7917 OF 2021
AND WMP NOS.8457 AND 8458 OF 2021

M/s.Nuva Machine Works India Pvt. Ltd.,
Rep. by its Managing Director - K.Sriram
2/653/B, 1st Street, Hare Rama Hare Krishna Nagar,
Mangalam Road, Andipalayam,
Tiruppur - 641 068.

...Petitioner

Vs.

1. The Regional Provident Fund Commissioner - II
cum Recovery Officer
Employees Provident Fund Organisation
Regional Office, Bhavishya Nidhi Bhavan,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

2. The Manager
City Union Bank
Tiruppur.

... Respondents

PRAYER: Writ petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order dated 19.12.2019 vide No.CC 22/TN/86866/8F/2019 passed by the first respondent and quash the same.

For Petitioner : Mr.R.Bharath Kumar
For Respondent-1 : Mr.J.Sathyanarayana Prasad

O R D E R

The present writ petition is directed against the order of attachment of the Bank Accounts of the petitioner passed by the first respondent / Regional Provident Fund Commissioner.

2.The petitioner has defaulted in payment of provident fund contribution to the first respondent. Therefore, an order of arrest was made under Section 8-B of the Employees' Provident



Fund and Miscellaneous Provisions Act, 1952. Thereafter, the petitioner made a representation to the first respondent that they will make contribution in installments and also paid lumpsum amount in two installments. After having received the money, the first respondent has once again issued a show cause notice as to why the Director of the petitioner / Company shall not be arrested. The said show cause notice was put to challenge before this Court.

3. On an earlier occasion, this Court in W.P.No.3602 of 2021, by its order dated 16.02.2021 permitted the petitioners therein / petitioner in this writ petition to remit the entire due in ten installments @ Rs.4,93,476/- per month. Accordingly, the petitioner / company has already remitted two installments for the month of February and March 2021. At the same time, the attachment made by the first respondent over the Bank Accounts held by the petitioner in the second respondent / Bank precludes the petitioner from mobilizing the money and pay its employees. Therefore, the petitioner has approached this Court with the above writ petition.

4. On instructions, Mr.J.Sathyanarayana Prasad, learned counsel appearing for the first respondent submitted that the petitioner has paid two installments.

5. Since the petitioner / company has been complying with the directions issued by this Court promptly, the order of attachment shall not be permitted to continue. Therefore, this Court is convinced that the petitioner shall be permitted to operate the Bank Accounts to proceed with his business, particularly, during this Pandemic period.

6. Accordingly, the attachment order passed by the first respondent in CC.22/TN/86866/8F/2019 dated 19.12.2019 is set aside and the second respondent is directed to permit the petitioner to operate the Bank Accounts as usual.

7. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

pns/tk



To

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2. The Manager
City Union Bank
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+1 CC to M/s.R. Bharath Kumar, Advocate, Sr 21710.

WP NO.7917 OF 2021

PMK(CO)
LS(19/07/2021)