



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.26591 OF 2016

AND

W.M.P.NO.22780 OF 2016

NEPC Textiles Limited,
S.F.No.245, Trichy Road,
Kannampalayam,
Coimbatore 641 402

...Petitioner

-Vs-

The Assistant Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore 18.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records in Ref.No.TN/RO/CBE/PDC/CC17/21376/7Q proceedings/2016 dated 24.06.2016 passed by the respondent and quash the same and consequently directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 instalments and pass orders.

For Petitioner : Mr.B.Gopalakrishnan
for Mr.R.Manoharan

For Respondent : Mrs.R.Meenakshi

O R D E R

Mr.B.Gopalakrishnan representing Mr.R.Manoharan, learned counsel for the petitioner on instructions would submit that they are willing to pay the levy of interest under Section 7Q of Employees Provident Funds and Miscellaneous Provisions Act 1952, as demanded under the impugned proceedings dated 24.06.2016. He would only express that owing to the pandemic situation, in



between they had been facing financial constraints and therefore, seeks such payment to be made in easy installment.

2. In identical circumstances, this Court has taken a sympathetic view and permitted such payment in 20 installments, in the case of M/s. Nanjappa Chettiar Matric Higher Secondary School vs. The Deputy Director, Employees State Insurance Corporation reported in W.P.No.17063 of 2021 dated 30.09.2021. As such, if the petitioner is permitted to make entire outstanding payment in 20 installments, the ends of justice could be secured.

3. In the light of the above observations, there shall be a direction to the petitioner herein to pay the entire outstanding amount under the impugned proceedings dated 24.06.2016 to the respondent in 20 installments commencing from the month of January 2022. The 1st installment shall be paid on or before 5th of January and the remaining installments shall also be paid before the 5th of every subsequent month. This Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vkrr

To:

The Assistant Provident Fund Commissioner,
Dr. Balasundaram Road,
Coimbatore 18.

+1cc to Mr. B. Gopalakrishnan, Advocate, S.R.No.69243

+1cc to Mrs. R. Meenakshi, Advocate, S.R.No.69090

W.P.No.26591 of 2016

SR(CO)
RLP(12/01/2022)