



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.416 of 2021

and

W.M.P. (MD) .No.343 of 2021

NN 582 V.Pudhukulam Primary Agricultural
Co-operative Credit Society,
represented by its President,
V.Pudhukulam,
Vembattoor (Post),
Manamadurai Taluk,
Sivagangai District.

... Petitioner

Vs.

1.The Assistant P.F. Commissioner /
Employees Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Madurai.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Regional Office,
Lady Doak College Road,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to permit the petitioner to pay 7(A) Order amount of Rs.90,30,280/- with 40 equal instalment basis, based on petitioner's representation dated 19.10.2020.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.K.Murali Sankar
Standing counsel

O R D E R

This writ petition has been filed for a direction to the respondents to permit the petitioner to pay 7(A) order amount of Rs.9,30,280/- with 40 equal instalment basis, based on the petitioner's representation dated 19.10.2020.



2. By consent of both parties, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner Society is a Co-operative Institution registered under the Tamil Nadu Co-operative Societies Act and it is not covered under the EPF Act. The petitioner Society voluntarily enrolled the Scheme under the provisions of Section 1(4) of E.P.F. Act and from the date of enrolment, the petitioner has paid the contributions regularly. The petitioner further averred that now two employees are working in the Society and three employees were already retired from service on various dates and due to financial crisis, the petitioner Society could not pay the retirement benefits. Therefore, the first respondent has initiated action under Section 7A of the E.P.F. Act and also passed an order, directing the petitioner to pay a sum of Rs.9,30,280/- on 08.06.2020. After receipt of the order, the petitioner Society has submitted a letter to the first respondent on 19.10.2020. But, without considering the same, the second respondent has sent a notice under Section 8 (F) of the E.P.F. Act, to recover the amount. Furthermore, there is no source of income to the Society to repay the said amount immediately. Hence, the petitioner Society has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner Society is ready to pay the contribution by way of 30 equal installments.

5. The learned Standing counsel appearing for the respondents has no serious objection for the above said submission made by the learned counsel for the petitioner.

6. Taking note of the said submissions made, this Court directs the petitioner Society to remit a sum of Rs.9,30,280/- by way of 30 equal instalments into the accounts of Employees' Provident Funds and the first instalment commencing from 15.02.2021 and the petitioner Society shall continue to pay each instalment on or before 15th of every English Calender month.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

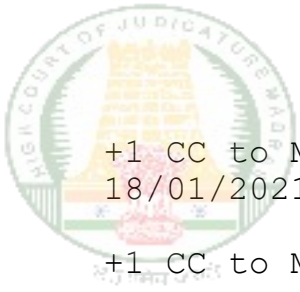
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-925[F] dated
18/01/2021)

+1 CC to M/s.R.SARAVANAN, Advocate (SR-839[F] dated 11/01/2021)

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W.P. (MD) No.416 of 2021

11.01.2021

KUN (CO)

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