



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.03.2021

CORAM:

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

W.P. (MD)No.1737 of 2011

and

M.P. (MD) .No.1 of 2011

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Bnazrum Agro Exports Private Limited,
represented by its General Manager,
Shri A.M.Yusuf Ansari,
Reddiapatti Post,
Sirumalai Road,
Dindigul.

... Petitioner

Vs.

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
Core II, 4th Floor, Laxmi Nagar District Centre,
Laxmi Nagar,
Delhi 110092.

2.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam,
Madurai 625 002.

... Respondents

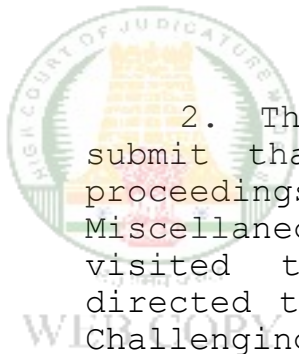
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the impugned order of the first respondent in reference No.A.T.A.No.222 (13) 2008, dated 31.12.2010 and directing the second respondent not to take any recovery proceedings against the petitioner's Establishment, till the disposal of the main writ petition.

For Petitioner
For Respondents

: Mr.N.Ramkumar
: Mr.V.S.V.Venkateshvaran

O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 31.12.2010 and to quash the same and consequently, direct the second respondent not to take any recovery proceedings against the petitioner's Establishment, till the disposal of the main writ petition.



2. The learned counsel appearing for the petitioner would submit that on 11.10.2007, the second respondent has initiated proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Thereafter, the Inspector visited the petitioner Establishment and after adjudication, directed the petitioner to pay the contribution of Rs.11,80,089/-. Challenging the same, the petitioner has filed an appeal before the E.P.F. Appellate Tribunal under Section 7-1 of the E.P.F. and M.P. Act, 1952 and the appellate authority has confirmed the order. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the second respondent has passed an order, directing the petitioner to pay the contribution of Rs.11,80,089/-, during the pendency of the appeal before the appellate authority, a sum of Rs.6,67,640/- was paid and the petitioner Establishment is ready to pay the balance amount of Rs.5,12,449/-, by way of twelve installments, commencing from 15th of every month.

4. The learned Standing counsel appearing for the second respondent concede the request made by the learned counsel for the petitioner.

5. In view of the consent expressed by the learned counsel for the petitioner as well as the learned Standing counsel appearing for the second respondent, this Court permits the petitioner Establishment to pay the balance amount of Rs.5,12,449/-, on 12 equal instalments commencing from 15.05.2021 and if the petitioner Establishment fails to pay any instalment, liberty is granted to the respondents, to work out the remedy, in the manner known to law. Accordingly, 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)

akv

To

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
Core II, 4th Floor, Laxmi Nagar District Centre,
Laxmi Nagar,
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2.The Assistant Provident Fund Commissioner,
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