



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.1708 of 2021

WEB COPY

The Chairman,
The Union Cristian Education and Charitable Trust,
Kuttaikode, Melpalai PO,
Edaicode,
Kanniyakumari District - 629 152. ... Petitioner

Vs

The Regional Provident Fund Commissioner/Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Water Tank Road, Nagercoil,
Kanniyakumari District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant some time for the remittance of the balance amount of Rs.23,86,465/- assessed for the period from 01.04.2017 to 31.03.2019 by way of reference letter dated 16.03.2020 in No.MD/NKL/0079037/000/Enf501/Damages and consequently direct the respondent not to issue any recovery certificate and warrant till the disposal of the above writ petition.

For Petitioner : Mr.G.Cenil
For Respondent : Mr.K.Gurunathan
Standing Counsel

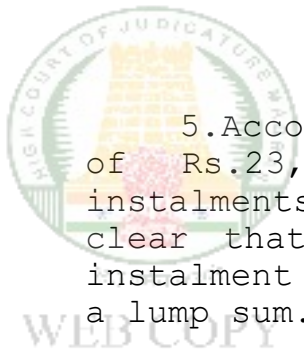
O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner having defaulted in remission of EPF contribution, has been issued with notice of demand to the tune of Rs.23,86,465/- . The main ground raised by the petitioner is that due to pandemic situation of COVID-19, the Trust income has deteriorated.

3.The learned counsel for the petitioner submitted that if the petitioner is permitted to pay the amount demanded through easy monthly instalment, they would be satisfied.

4.Though no legal grounds have been raised by the petitioner, who is the defaulter, by taking into consideration of the pandemic situation, the ends of justice could be secured, if the petitioner is permitted to pay the amount in six monthly instalment.



5. Accordingly, the petitioner is granted liberty to pay a sum of Rs.23,86,465/- to the respondents herein in six equal monthly instalments commencing from the month of March 2021. It is made clear that in case, the petitioner defaults in any one of the instalment the respondents will be at liberty to recover the same in a lump sum.

6. The Writ Petition stands thus, disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-3945[F] dated 09/02/2021)

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