



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6923 of 2021

and

W.M.P. (MD) No.5313 of 2021

M/s.JJ College of Engg. Technology,
Poolankulathupatti,
Trichy - 620 009,
Through its Chairman.

... Petitioner/Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office, No.18, Sree Complex,
Madurai Road, Trichy - 625 008. ... Respondent/Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining in TN/SRO-TRY/PDC/C-13/32740/7Q PROC/2014 dated 21.10.2015 claiming interest amount for the period from 07/2013 to 03/2015 to the tune of Rs.10,80,019/- on the file of the respondent herein and quash the same and direct the respondent to permit the petitioner to remit the E.P.F. Interest amount claimed for the period from 07/2013 to 03/2015 to the tune of Rs.10,80,019/- in Thirty Six Equal Monthly Installments.

For Petitioner : Mr.Karthikeyan.C

For Respondent : Mr.G.Dharmaraja,
Standing Counsel

ORDER

The order under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act claiming interest to the tune of Rs.10,80,019/- for the period from July-2013 to March-2015 is put under challenge. The petitioner college has not disputed the claim made by the respondent. But they have only submitted that since they were unable to get the nominal educational fees from the students, they may be sympathetically considered for paying the claim made under Section 7Q of the Act in thirty six equal monthly installments.



2. Though this Court is inclined to give sympathetic consideration to the petitioner and permit them to pay the interest in equal monthly installments, the number of EMI's sought for by the petitioner does not seem to be reasonable. However, if the petitioner is permitted to pay the amount in thirty equal monthly installments, which was also the mode appeared by this Court in an earlier case in **M/s.Ari Aravindar Engineering College Vs The Assistant Provident Fund Commissioner** in W.P(MD) No.2049 of 2020, the ends of justice could be secured.

3. Accordingly, the petitioner is directed to pay the interest amount claimed under Section 7Q of the EPF Act, in thirty equal monthly installments and the first of the such installment shall commence from 07.04.2021 and the balance of twenty nine installments shall be paid on or before 15th day of the subsequent months. If the petitioner fails to pay the monthly installments, the respondent can workout their remedy in the manner known to law.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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