



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2021

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C O R A M
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 12690 of 2021
and
W.M.P. (MD) No. 9890 of 2021

M/s. Shri Govindaraja Mills (P) Ltd.,
Unit - II, S. No. 60, 63, 64,
Kuranaikulam, Regd. Off. 258,
Thiruchuli Road,
Aruppukottai - 626 101.

... Petitioner

-vs-

Regional Provident Fund Commissioner -I,
Employees Provident Fund Organization,
Lady Doak College Road,
Madurai - 625 002.

...Respondent

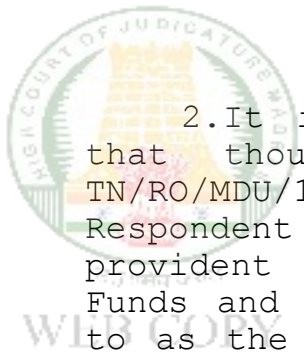
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent in his proceedings No. TN/RO/MDU/1185400B/PDC/7Q/2020 dated 07.07.2021 and quash the same as illegal and consequently direct the Respondents to accept the payment of demanded interest amount of Rs. 44,26,652/- in 50 monthly installments.

For Petitioner : Mr. M.E.Ilango

For Respondent : Mr. K.Muralisankar

O R D E R
(through Video Conference)

Heard Mr. M.E.Ilango, Learned Counsel for the Petitioner and Mr. K.Muralisankar, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.



2.It is contended by the Learned Counsel for the Petitioner that though the Petitioner has challenged the order No. TN/RO/MDU/1185400B/PDC/7Q/2020 dated 07.07.2021 passed by the Respondent demanding payment of interest for the accumulation of provident fund dues under Section 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short), the Petitioner would be satisfied if interest is computed after giving proper credit to payments already made on the actual dates and the resultant amount of arrears of provident fund dues are permitted to be remitted in 50 equated monthly installments.

3.In response to the query made, Learned Standing Counsel appearing for the Respondent has produced the Circular No. RRC/28 (23)06/BIFR/23781 dated 11.02.2014 and the Circular No. RRC/28(23) 06/BIFR/3345 dated 12.05.2014 issued by the Central Provident Fund Commissioner, containing the instructions approved by the Central Board of Trustees of the Employees Provident Fund Organisation in their earlier meetings to permit the arrears of provident fund dues accumulated to be remitted in monthly installments.

4.Learned Counsel for the Petitioner states that the Petitioner has submitted a representation dated 16.07.2021 for availing the said benefit of remitting the arrears of provident fund accumulated in 50 equated monthly installments, which has been received by the Respondent.

5.Having due regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the Competent Authority to duly consider the aforesaid representation dated 16.07.2021 made by the Petitioner for permitting payment of the accumulated arrears in installments with reference to the parameters stipulated in the aforesaid circulars, and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgment. Before carrying out that exercise, if the Competent Authority is of the view that the Petitioner has not satisfied the prescribed requirements or eligibility criteria for that benefit, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose. In the event of the Competent Authority being of the opinion that the Petitioner has not satisfied the same even thereafter, an enquiry shall be conducted affording an opportunity of personal hearing to the Petitioner to explain its position regarding such compliance. It is made clear that resort to coercive measures for recovery against the Petitioner shall be deferred till the representation is disposed in the aforesaid manner.



In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (T&P)

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// 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.

To

Regional Provident Fund Commissioner -I,
Employees Provident Fund Organization,
Lady Doak College Road,
Madurai - 625 002.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-24089[F] dated 27/07/2021)

+1 CC to M/s.K.MURALISHANKAR, Advocate (SR-24090[F] dated 27/07/2021)

**W.P. (MD) No. 12690 of 2021
27.07.2021**

RK (15.09.2021) 3P 4C