



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.18449 of 2021

and

W.M.P. (MD) Nos.15231 & 15232 of 2021

WEB COPY

M/s. Jumbo Fireworks (India) Private Ltd.,
80, Bell Villa, Velayutham Road,
Sivakasi,
Rep. by its Director.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.The Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of **Writ of Certiorarified Mandamus**, calling for the records of the 2nd respondent in his proceedings in No.MD/MDU/20254/8F/RO/RECY/M-12/2021, dated 11.01.2021 and quash the same and permit the petitioner to remit the 14 B damages and 7Q interest totaling a sum of Rs.10,05,715/- in 24 equal monthly installments and to pass such further or other Orders as this Court.

For Petitioner : Mr.K.Hemakarthiskeyan
For Respondents : Mr.A.John Xavier,
Standing Counsel.

O R D E R

This Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in No.MD/MDU/20254/8F/RO/RECY/M-12/2021, dated 11.01.2021 and quash the same and permit the petitioner to remit the 14 B damages and 7Q interest totaling a sum of Rs.10,05,715/- in 24 equal monthly installments.

2. According to the petitioner, he has filed the present writ petition for quashing the impugned order passed by the second respondent for the reason that the petitioner has made a representation to the respondent seeking settlement of the aforesaid



amount of Rs. 10,05,715/- payable by him under Section 14 B and 7 Q of the ESI Act by way of 24 equal monthly installment. The said representation was not considered by the respondents. Hence petitioner has filed the present Writ Petition before this Court.

3. The learned Standing Counsel appearing for the respondents has fairly submitted before this Court that 10 equal monthly installments is sufficient for the petitioner to settle the aforesaid amount of Rs.10,05,715/-. However, the learned counsel for the petitioner submitted that the petitioner is having some difficulty to settle the aforesaid amount in 10 equal monthly installments to the respondents. Therefore, he seeks to grant of 15 equal monthly installments to settle the aforesaid amount to the respondents.

4. On considering the aforesaid submission of the learned counsel for the parties concerned and considering the reasons stated in the affidavit, this Court is inclined to pass the order as follows:

i) The petitioner is directed to pay the amount of Rs.10,05,715/- payable by him under Section 14 B and 7 Q of the ESI Act to the respondents by way of 12 equal monthly installments.

ii) The said amount shall be paid by the petitioner on or before 10th of every succeeding month and the first installment commences from first November, 2021.

iii) If there is any default in the payment of the monthly installments by the petitioner, liberty is granted to the respondent to act in accordance with law.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL)

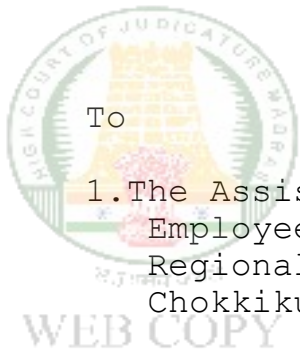
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/ /2021

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

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NSN (CO)
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