



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.19806 of 2020

and

W.M.P (MD) No.16498 of 2020

Srivatsa Polytechnic College,
Through it's The Chairman,
Mettamalai, Kumaralingapuram Road,
Sattur Taluk,
Virudhunagar District.

...Petitioner

Vs

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai District.

2.The Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Lady Doak College Road,
Chokkikulam,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the second respondent issued notice of demand to the defaulter under Section 8B to 8G of the EPF and MP act 1952 in his proceedings MDMDU31163/0091626/04/05/2020/502/35 dated 19.05.2020 for Rs.15,90,087/- and quash the same.

For Petitioner : Mr.M.Pandiarajan

For Respondent : Mr.K.Murali Sankar
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 default in remission of EPF contribution, has been issued with impugned notice of demand to the tune of Rs.15,90,087/- . The main ground raised by the petitioner is that due to pandemic situation of COVID-19, the Polytechnic College 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 the legal grounds have been raised challenging the notice of demand made to 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 three monthly instalment.

5.Accordingly, the petitioner is granted liberty to pay a sum of Rs15,90,087/- to the respondents herein in three equal monthly instalments commencing from the month of February 2021 for an amount of Rs.5,90,087/-. The balance amount of Rs.10,00,000/- shall be paid during the first week of March and April 2021. It is made clear that in case, the petitioner defaults in any one of the instalment the respondents at liberty to recover the same in a lump sum.

6. The Writ Petition stands thus, disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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.MURALI SANKAR, Advocate (SR-1538[F] dated 21/01/2021

Order made in
W.P. (MD) No.19806 of 2020

20.01.2021

NR (02/02/2021) 2P : 2C