



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8511 OF 2022

AND

W.M.P.NO.8422 OF 2022

M/s.Subramani Man Power (Contractor),
Rep By its Proprietor Mr.T.Subramani,
3/166, Arasanathi, Mookandapalli (Po)
Hosur 635 109, Krishnagiri District.

...Petitioner

Vs

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation,
Regional Office Steel Plant Road
Dalavaipatti, Salem 636 302.

...Respondent

Prayer:

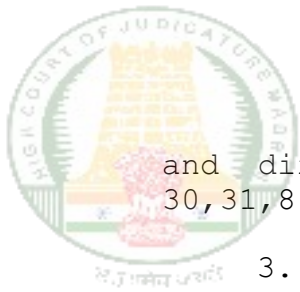
Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, or any other appropriate Writ or any Order or Direction in the nature of a Writ of Certiorarified Mandamus, calling for the records relating to the Respondent's order bearing Ref. No. CB / RO / SLM / Comp-I /PDC/ 70698 / K-3 / 7Q-Proceeding / 2021 dated 27.12.2021 and quash the same and directing the respondent to accept the remaining outstanding determined amount of Rs 30,31,895/- (Rupees Thirty Lakhs Thirty One Thousand Eight Hundred and Ninety Five Only) in 36 equal monthly installments.

For Petitioner	: Mr.P.Thangaraj
For Respondent	: Mr.R.Thirunavukarasu

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal.

2. This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, quashing the order dated 27.12.2021



and directing the respondent to accept the payment of Rs 30,31,895/- in 36 equal monthly installments by the petitioner.

3. The case of the petitioner in brief:

WEB COPY The petitioner Firm engaged in the service of providing man power to various establishments and it is covered under the Employees Provident Fund and Miscellaneous Provision Act, 1952. The petitioner is only a sub-contractor according to the provisions of the EPF and MP Act, 1952 and is depending on the principles employer for providing salaries to its employees. The petitioner's firm is operated with the minimum cash flow and due to sudden financial crisis, they have not paid the PF contribution, within a period, as stipulated in the Act. The respondent initiated enquiry under Section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act and determined the amount of Rs.30,31,895/- as interest for the delayed payments. The petitioner approached the respondent to allow them to pay the amount in 36 monthly installments, but the respondent refused to accept the request of the petitioner. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner has not controverted the outstanding due of Rs.30,31,895/- and only requested to pay the said amount in 36 equal monthly installments. Hence, the respondent may be directed to allow the petitioner to pay the above amount in 36 installemnts.

5. The learned counsel appearing for the respondent submitted that the request for payment in 36 installemnts is unreasonable and hence, he objected for grant of such time.

6. Considering the fact that the petitioner is ready to pay the outstanding amount by way of installments, and also taking into account the submission made by the learned counsel appearing for the respondent, and to meet the ends of justice, this court is inclined to pass the following order.

i) The petitioner is directed to pay the amount of Rs.30,31,895/- (Rupees thirty lakhs thirty one thousand eight hundred and ninety five only) in ten (10) equal monthly instalments commencing from April 2022.

ii) The first instalment shall commence from 20.04.2022 and the petitioner is directed to pay the remaining nine installments, on or before 10th day of every succeeding calender months.

iii) If the petitioner is failed to pay even one installment or committed any violation of this order, the respondent is at liberty to proceed further against the petitioner, in accordance



with law.

iv) Till such time, the impugned order dated 27.12.2021 shall be kept in abeyance.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst

To

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation,
Regional Office Steel Plant Road
Dalavaipatti, Salem 636 302.

+1cc to Mr.P.Thangaraj, Advocate, S.R.No.24847

W.P.No.8511 of 2022

PM(CO)
PM/19/04/2022