



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.9759 OF 2022

AND

WMP.NO.9476 OF 2022

M/s.Salem Textiles Limited
Rep. By its Authorised Signatory,
Mr.P.Rajaram, Selliampalayam,
Narasingapuram, Attur Taluk,
Salem District-636 108.

.. Petitioner

vs.

Assistant Provident Fund Commissioner /
Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, Steel Plant Road,
Dalavaipatti, Salem-636 302.

.. Respondent

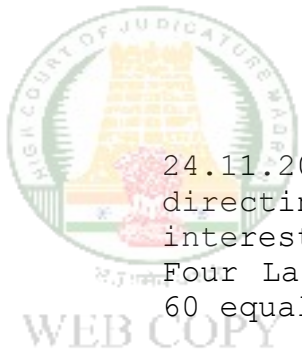
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of order Ref.No.CB/SL/6517/Recy/CP-16/SLM-3/2021 dated 24.11.2021 passed by the respondent and quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs.2,74,50,627 / - (Rupees Two Crores Seventy Four Lakhs Fifty Thousand Six Hundred and Twenty Seven Only) in 60 equal monthly instalments.

For Petitioner : Mr.P.Thangaraj

For Respondent : Mrs.R.Meenakshi,
Standing Counsel

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the order in Ref.No.CB/SL/6517/Recy/CP-16/SLM-3/2021 dated



24.11.2021 passed by the respondent and quash the same and directing the respondents to accept the remaining outstanding interest amount of Rs.2,74,50,627/- (Rupees Two Crores Seventy Four Lakhs Fifty Thousand Six Hundred and Twenty Seven Only) in 60 equal monthly instalments.

2. According to the petitioner, the petitioner's Company was carrying on the business of Spinning Yarn and due to industrial unrest in their region and global economic instability led to severe financial problems to them from the year 1995 and they have suffered huge losses and continuous losses for more than ten years had not allowed them to combat with our competitors, who were using newer machineries with advanced technology. The continuous losses and consequent contributions on finance, there were delays in remitting EPF contributions which led to departmental enquiries under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner's company made a request to the respondent to waive off the interest amount as the petitioner's company is already declared as a "Sick Unit" by BIFR, but without considering the request made by the petitioner, the respondent has passed the order dated 29.10.2018 under Section 7Q of the EPF & MP Act, 1952 determining the total interest amount for the belated provident fund dues as Rs.4,16,48,148/-. The first respondent herein attached the property belonging to the petitioner company by order dated 24.11.2021 for the balance amount of Rs.2,74,50,627/-. Therefore the petitioner has approached this Court, praying for a direction to allow the petitioner to pay interest amount of Rs.2,74,50,627/- in 60 equal monthly instalments.

3. Mr.R.Meenakshi, learned Standing Counsel for the respondent would submit that the petitioner's request for settling the outstanding due in 60 monthly instalments is a longer period and agreed for only 10 equal monthly instalments.

4. Both the parties have not disputed on the payment of interest. The dispute between the petitioner and the respondent is only with regard to number of instalments by which the amount had to be settled and the request made by the petitioner was not accepted by the respondent by stating that it is a longer period.

5. In the interest of the justice and taking into consideration the submissions made, this Court is inclined to pass the following order:

- i) The petitioner is directed to pay the amount of Rs.2,74,50,627/- payable under Section 7Q of the EPF



and MP Act, 1952 to the respondent, by way of 10 equal monthly installments.

ii) The said amount shall be paid by the petitioner on or before 15th of every succeeding English calendar month and the first installment commences from first 1st of May, 2022.

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

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

The Assistant Provident Fund Commissioner / Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Steel Plant Road,
Dalavaipatti, Salem-636 302.

+1cc to M/s.R.Meenakshi, Advocate, S.R.No.27631

W.P.No.9759 of 2022

JP(CO)
RLP(26/04/2022)