



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.9765 of 2022

and

WMP.No.9483 of 2022

M/s.Hotel Shevaroy's Pvt. Ltd.,
Rep. By its Director Mr.R.D.Prabhuram,
Hospital Road, Yercaud Hills,
Salem District - 636 601.

.. Petitioner

vs.

Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
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/RO/SLM/Comp-I/PDC/21436/S-5/7Q-Proceeding/2021 dated 07.12.2021 passed by the respondent and quash the same and directing the respondent to accept the remaining outstanding determined amount of Rs.12,21,931/- (Rupees Twelve Lakhs Twenty One Thousand Nine Hundred and Thirty One) in 24 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 order Ref.No.CB/RO/ SLM/Comp-I/PDC/21436/S-5/7Q-Proceeding/2021 dated 07.12.2021 passed by the respondent and quash the same and directing the respondent to accept the remaining outstanding determined amount of Rs.12,21,931/- (Rupees Twelve Lakhs Twenty One Thousand Nine Hundred and Thirty One) in 24 equal monthly instalments.



2. According to the petitioner, the petitioner runs a resort in Yercaud for more than two decades and paying EPF contributions regularly without any delay until the year of 2012. The spread of Covid-19 pandemic and related lockdowns, they closed the hotel completely for so many months which affected their revenue significantly and due to that reason, the Provident Fund Contributions were not paid within the time stipulated as per Employees Provident Fund and Miscellaneous Provisions Act, 1952, but paid it belatedly. In these circumstances, the respondent has initiated proceedings under Section 7Q of the EPF & MP Act to determine the Interest for belated Provident Fund contributions of employees vide summons dated 17.09.2021 and after conducting hearing, the respondent has passed the impugned order dated 07.12.2021, determining interest for a sum of Rs.12,21,931/- under Section 7Q of the EPF & MP Act, 1952. Challenging the same, the present writ petition has been filed.

3. Mr.R,Meenakshi, learned Standing Counsel for the respondent would submit that the petitioner's request for settling the outstanding due in 24 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.12,21,931/- 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.



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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:

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

+1cc to Mr.R.Meenakshi, Advocate, S.R.No.27630

W.P.No.9765 of 2022

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