

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.16144, 16152, 16155 & 16159 OF 2022

AND

W.M.P.NOS.15526, 15532, 15534 & 15536 OF 2022

M/s. Cotton Blossom,
Represented by its AGM-HR, K. Palanikumar,
Shed No. 189, TEKIC TEA Nagar,
Mudalipalayam, Tirupur - 641 606

...Petitioner in W.P.Nos.16144 &
16152 of 2022

M/s.Cotton Blossom (India) Pvt Ltd.,
Rep.by its AGM- HR, K.Palanikumar
No.15, Nethaji Apparel Park,
Perumanallur, New Tirupur- 641 666.

...Petitioner in W.P.Nos.16155 &
16159 of 2022

Vs.

Regional Provident Fund Commissioner -II,
Employees Provident Fund Organisation,
District Office, 497, 1st Floor,
Palladam Road, Tirupur - 641 604.

...Respondent in all WPs

Prayer in W.P.No.16144 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of order Ref.No.CBE/DO/TPR/45347/CC-30/7Q/D.No.78-2021/2021-2022/6152 dated 25.03.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs.25,51,929/- (Rupees Twenty Five Lakhs Fifty One Thousand Nine Hundred Twenty Nine Only) in 24 equal monthly installments.

Prayer in W.P.No.16152 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of order Ref.No.CBE/DO/TPR/45347/CC-30/7Q/D.No.77-2021/2021-2022/6154 dated 25.03.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining

outstanding interest amount of Rs.6,29,262/- (Rupees Six Lakhs Twenty Nine Thousand Two Hundred and Sixty Two Only) in 24 equal monthly installments.

Prayer in W.P.No.16155 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of order Ref.No.CBE/DO/TPR/CC-29/87081/7Q/D.No.75-2021/2021-2022/6156 dated 25.03.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs.14,72,490/- (Rupees Fourteen Lakhs Seventy Two Thousand Four Hundred and Ninety Only) in 18 equal monthly installments.

Prayer in W.P.No.16159 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of order Ref. No. CBE/DO/TPR/CC-29/87081/7Q/D.No.76-2021/2021-2022/6158 dated 25.03.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs.18,49,800/- (Rupees Eighteen Lakhs Fourty Nine Thousand Eight Hundred Only) in 18 equal monthly installments.

For Petitioner : Mr.P.Thangaraj
(in all WPs)

For Respondents : Mr.R.Vishnu
(in W.P.Nos.16152, 16155 & 16159 OF 2022)

COMMON ORDER

These writ petitions have been filed for the issuance of a writ of Certiorarified Mandamus, calling for the records passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs. Rs.65,03,481/- (Rupees Sixty Five Lakhs Three Thousand Four Hundred and Eighty One) in 18 to 24 equal monthly installments.

2. Though the impugned orders have been challenged in the above writ petitions, the learned counsel for the petitioner has fairly submitted before this Court that the petitioner will undertake to settle the entire amount if an opportunity is given to them to settle the amounts by way of instalment and they seek 10 months to 24 months to settle the amount in the respective writ petitions.

3. The learned Standing Counsel appearing for the respondent has strongly objected that the petitioner cannot seek such a

long duration for the payment of the said amounts by instalment. Therefore, the intention of the petitioner is only to drag the issue for settling the amount to the respondent.

4. Therefore, this Court taking into account, an order passed in the earlier writ petition in W.P.No.9765 of 2022 dated 22.04.2022 on the similar relief, by granting instalment to the petitioner, passes the following order:

i) The petitioner is directed to pay the amount of Rs.65,03,481/- (Rupees Sixty Five Lakhs Three Thousand Four Hundred and Eighty One) payable under Section 7Q of the EPF and MP Act, 1952 to the respondent, by way of 10 equal monthly installments in respect of the aforesaid writ petitions..

ii) The said amount shall be paid by the petitioner on or before 10th of every succeeding English calendar month and the first installment commences from 1st of July, 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.

iv) Till such time, the impugned orders shall be kept in abeyance and the petitioner will not alienate the assets of the company.

5. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

mrn

To

The Regional Provident Fund Commissioner -II,
Employees Provident Fund Organisation,
District Office, 497, 1st Floor,
Palladam Road, Tirupur - 641 604.

Copy To

1.K.Palanikumar, AGM- HR,
M/s.Cotton Blossom (India) Pvt Ltd.,
No.15, Nethaji Apparel Park,
Perumanallur, New Tirupur- 641 666.

2.K.Palanikumar, AGM-HR,
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W.P.Nos.16144, 16152, 16155 & 16159 of 2022
and
W.M.P.Nos.15526, 15532, 15534 &15536 of 2022

RGN(CO)
RVM(12/07/2022)