

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.16163 OF 2022

AND

W.M.P.NO.15539 OF 2022

M/s.Annai Sathya Weavers Co-operative
Production and Sales Society Ltd., Eh 104,
Represented by its Manager, K.S. Ravichandran,
Thandampalayam, Erode - 638 109. ...Petitioner

Vs.

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

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.CB/RO/SLM/Comp-I/PDC/35131/E-4/7Q-proceedings/2022 dated 09.05.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs. 5,57,411/-/- (Rupees Five Lakhs Fifty Seven Thousand Four Hundred and Eleven Only) in 24 equal monthly installments.

For Petitioner : Mr.P.Thangaraj

For Respondent : M/s.R.Meenakshi

ORDER

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/35131/E-4/7Q-proceedings/2022 dated 09.05.2022 passed by the respondent, to quash the same and directing the respondent to accept the remaining outstanding interest amount of Rs. 5,57,411/-/- (Rupees Five Lakh Fifty Seven Thousand Four Hundred and Eleven Only) in 24 equal monthly installments.

2. Though the impugned order has been challenged in the above writ petition, 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 18 months to settle the amount in the writ petition.

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.5,57,411/-/- (Rupees Five Lakh Fifty Seven Thousand Four Hundred and Eleven Only) 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 order shall be kept in abeyance and the petitioner will not alienate the assets of the company.

5. 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

mrn

To

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

Copy To

K.S.Ravichandran, Manager,
M/s.Annai Sathya Weavers Co-operative
Production and Sales Society Ltd., Eh 104,
Thandampalayam, Erode - 638 109.

+1cc to M/s.R.Meenakshi, Advocate Sr.No.40838

W.P.No.16163 of 2022

and

W.M.P.No.15539 of 2022

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