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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 04.01.2022

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THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.27989 of 2021

&

W.M.P.No.29557 of 2021

M/s.Razaf Electrical Contractor,
No.144, Dhrowpathy Amman Koil Street,
Velacherry,
Chennai - 600042,
represented by its proprietor

...Petitioner

Vs.

The Regional Provident Fund Commissioner - II(C & R),
Employees' Provident Fund Organization,
Regional Office,
3, Rajaji Salai, Tambaram,
Chennai - 600 045.

...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorari calling for the records of the Central Government Industrial Tribunal -cum - Labour Court, Chennai in EPFA No.264 of 2019 and quash the order dated 24.11.2021.

For Petitioner : Mr.Anand
for M/s.T.S.Gopalan And Co.

For Respondent : Mr.K.Ramu, Standing Counsel

ORDER

This Writ Petition is against the order of the Central Government Industrial Tribunal cum Labour Court, Chennai in EPFA No.264/2019. The petitioner/Company has gone before the Tribunal seeking the waiver of pre-deposit explaining the difficulties in complying with the recovery order issued by the PF Organization.

2.On consideration of the rival submissions of the parties, the learned Tribunal has reduced the amounts directing the petitioner management to deposit 40% of the



amount determined in the impugned order of the respondent on or before 24.01.2022, reducing from 75% as payable under the provisions of the EPF Act. Challenging same, the writ petition has been filed.

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3. When the writ petition is taken up for hearing, notice was ordered and Mr. K. Ramu, learned Standing counsel entered appearance for the respondent. The learned counsel for the petitioner/Management would however submit that the petitioner/Management is not having a sufficient wherewithal to comply with the order passed by the learned Tribunal, but however wish to comply with the same if some breathing time is provided to pay 40% pre-deposit as ordered by the learned Tribunal in 2 (two) EMIs.

4. The learned counsel would submit that the pre-deposit of 40% will be paid in 2 EMIs. The first EMI shall be paid on or before 31.01.2022 and the last installment on or before 28.02.2022.

5. The learned counsel for the respondent/organization has raised objections stating that the Tribunal as a matter of fact reduced the pre-deposit from 75% to 40% and therefore no further concession or exception shall be shown to the petitioner.

6. Considering the rival submissions of the parties, this Court being convinced of the reasons stated in the affidavit that their request of payment of pre-deposit of 2 EMIs appears to be just and reasonable.

7. In the light of the above, the petitioner is directed to pay pre-deposit of 40% in 2 EMIs. The first payment to be paid on or before 31.01.2022 and the last one on or before 28.02.2022 as undertaken on behalf of the petitioner/Management. The petitioner is directed to make payment towards monthly EMI on the 1st of every following month without fail. This being a concessional order the time limit fixed shall be strictly adhered to. In case of any default, it is open to the respondent to proceed against the petitioner as deemed fit, in pursuance of their demand.

8. The Writ Petition stands disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



To

The Regional Provident Fund Commissioner - II(C & R),
Employees' Provident Fund Organization,
Regional Office,
3, Rajaji Salai, Tambaram,
Chennai - 600 045.

+1cc to M/s.T.S.Gopalan & Co, Advocate SR. No.290

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&

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NRJK (CO)

PR (31/01/2022)