



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.1281 of 2022

and

W.M.P. (MD) No.1128 of 2022

M/s.Madhangai Enterprises (P) Ltd.,
Rep. by its Director,
M.Suresh

: Petitioner

Vs.

The Assistant Provident Fund Commissioner,
EPF Organization,
Regional Office,
No.1, LDC Road,
Chinnachokkikulam,
Madurai - 625 002.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari calling for the records of the Employees' Provident Fund Appellate Tribunal, Chennai, vide ref.No.EPFA No.345/2017 (ATA 1120(13)14), order dated 22.10.2021 and quash the same.

For Petitioner : Mr.M.N.Ramkumar
For Respondent : Mr.A.John Xavier

ORDER

The petitioner before this Court is running a Courier Services at Madurai and registered under the Employees' Provident Fund Act. The respondent has issued a notice dated 04.06.2014 under Section 14B of the EPF Act claiming a sum of Rs.11,39,707/- as damages and Rs.7,73,966/- as interest. The petitioner has remitted the interest amount, but has raised objection for the damages that the delay is not intentional. An appeal was also preferred by the petitioner before the Employees' Provident Fund Appellate Tribunal in ATA No.1120(13)/14, which was renumbered as EPFA No.345/2017, on the file of Central Government Industrial Tribunal (CGIT). The Tribunal, by order dated 22.10.2021, partly allowed the appeal and directed the petitioner to deposit the modified amount to the tune of 30% of the dues determined in respect of the damages, ie., the petitioner was directed to pay a sum of Rs.3,51,530/-, within a period of two



months. As against the order of the Tribunal, the petitioner has moved the instant writ petition.

2.Learned Counsel appearing for the petitioner submitted that the petitioner establishment is a small Courier agency. Due to the Covid-19 pandemic, already they are facing impediments to meet the day-to-day activities of business, while so, it is very difficult for them to pay a sum of Rs.3,51,530/-, as directed by the Tribunal. Moreover, the time limit ordered by the Tribunal is also not sufficient, in view of the present day situation.

3.Learned Standing Counsel appearing for the respondent submitted that the respondent has actually fixed a sum of Rs.11,39,707/-, as damages. This amount was reduced as Rs.3,51,530/- by the Tribunal and the respondent is aggrieved over the same. However, they have not preferred any appeal and therefore, stoutly refuted for reducing the amount any further.

4.After some arguments, the petitioner's Counsel sought for some more time to pay the amount as directed by the Tribunal, in installments, which was also agreeable by the respondent.

5.In view of the above discussions and considering the present day situation, this writ petition is disposed of, with a direction to the petitioner to pay the amount, as directed by the Tribunal, within a period of six months from the date of receipt of a copy of this order, in equal monthly installments. There shall be no order as to costs. Consequently, connected miscellaneous petition shall stand closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

To

1. The Employees' Provident Fund Appellate Tribunal, Chennai

2.The Assistant Provident Fund Commissioner,
EPF Organization,Regional Office,
No.1, LDC Road,Chinnachokkikulam,
Madurai - 625 002.

W.P. (MD) No.1281 of 2022

DATED : 01.02.2022

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