



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM:

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

W.P. (MD)No.1654 of 2022

and

W.M.P. (MD)No.1440 of 2022

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Shawn Security Force,
Rep. by Managing Partner,
No.10-15(1), Vijayanagari,
Chanthaiyadi Post,
Kanyakumari District.

: Petitioner

Vs.

1.The Regional PF Commissioner - II,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil - 629 001,
Kanyakumari District.

2.The Assistant Provident Fund Commissioner /
Recovery Officer,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil - 629 001,
Kanyakumari District.

: Respondents

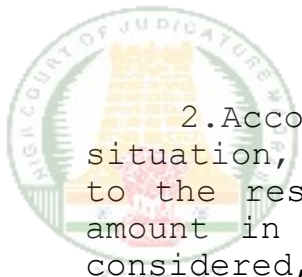
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus directing the respondents to grant 6 bi-monthly installments in one year time so as to enable the petitioner to settle the EPF contribution payable by the petitioner's organization pursuant to the proceedings of the second respondent dated 27.12.2021 bearing No. TN/NGL/Enf/C32/79064/8F/2021, by considering the petitioner's representation dated 05.01.2022.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.K.Gurunathan

ORDER

The petitioner company is in due of a sum of Rs.25,45,331/- and the second respondent, by the impugned order, directed the petitioner to settle the amount within a stipulated time limit.



2. According to the petitioner, in view of the present Covid-19 situation, the petitioner is not in a position to pay the amount due to the respondents. Therefore, they made a request for paying the amount in twelve equal installments. Since the same has not been considered, they have moved the instant writ petition.

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3. Learned Counsel for the respondents disputed the same and submitted that there is no such request from the petitioner for payment in installments. If the petitioner made any such request, then the same would have been forwarded to the Central Board of Trustees, in the light of the Circular dated 11.02.2014, for consideration.

4. This Court paid it's anxious consideration to the rival submissions and also perused the documents placed on record.

5. The petitioner is willing to pay the amount, however, in view of the present day situation, they sought for a short accommodation for paying the balance amount in twelve equal monthly installments. No doubt, the Circular dated 11.02.2014 enables the authority to provide for installments, however, according to the respondents, the petitioner has not made any specific request in this regard.

6. Be that as it may, since the petitioner is now before this Court seeking extension of time and for payment in installments, this writ petition is disposed of with a direction to the petitioner to pay the balance amount due to the respondents in six equal monthly installments, commencing from 15.02.2022. On payment of the first installment, the respondents shall de-freeze the bank account. If the petitioner fails to make the payment, as undertook before this Court, the respondents shall take further course of action in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petition shall stand closed.

Sd/-

Assistant Registrar (AE)

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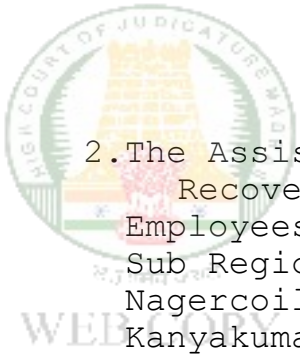
Sub Assistant Registrar(CS)

Gk

TO:

1. The Regional PF Commissioner - II,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil - 629 001,
Kannur District.

<https://hcservicerecordsonline.hcservicedes>



2.The Assistant Provident Fund Commissioner /
Recovery Officer,
Employees Provident Fund Organization,
Sub Regional Office, Water Tank Road,
Nagercoil - 629 001,
Kanyakumari District.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-4395[F] dated 07/02/2022)

+1 CC to M/s.S.C.HEROLD SING, Advocate (SR-4428[F] dated 07/02/2022)

W.P. (MD)No.1654 of 2022
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RD(11.03.2022) 3P 5C