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W.P.(MD)Nos.12335 and 12336 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.12335 and 12336 of 2014,
M.P.(MD)Nos.1, 1 and 2 of 2014

W.P.(MD)No.12335 of 2014:

M/s.Kumbakonam Milk Producers,
Co-operative Society Limited,
represented by its Manager,
No.60, Dr.Moorthy Road,
Kumbakonam,
Thanjavur District.

... Petitioner

vs.

The Assistant Provident Fund
Commissioner (Compliance),
Employees Provident Fund Organization,
Sub-Regional Office,
P.B.No.588, Sree Complex,
D Block, No.18,
Madurai Road, Trichy,
Tiruchirapalli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, to call for the records from the



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respondent in respect of the proceedings bearing No:ENF D4/TN/TR/6939/SRO-TRY/2014, dated 24.06.2014 and to quash the same and consequentially, to allow the petitioner's society to pay the dues in 30 installments.

For Petitioner : Mr.V.Chandrasekar
For Respondent : Mr.N.Dilip Kumar

W.P.(MD)No.12336 of 2014:

M/s.Kumbakonam Milk Producers,
Co-operative Society Limited,
represented by its Manager,
No.60, Dr.Moorthy Road,
Kumbakonam,
Thanjavur District.

... Petitioner

vs.

1.The Assistant Provident Fund
Commissioner (Compliance),
Employees Provident Fund Organization,
Sub-Regional Office,
P.B.No.588, Sree Complex,
D Block, No.18,
Madurai Road, Trichy,
Tiruchirapalli District.

2.Kumbakonam Central Co-operative Bank
Limited,
Kumbakonam, T.S.R. Big Street,
Kumbakonam,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records from the 1st respondent in respect of the proceedings bearing No:TN/TRY/6939/SRO-TRY D4/2014, dated 07.07.2014 and to quash the same and consequentially, to allow the petitioner's society to operate the accounts as usual.

For Petitioner : Mr.V.Chandrasekar
For R1 : Mr.N.Dilip Kumar
For R2 : No appearance

COMMON ORDER

This writ petition in W.P.(MD)No.12335 of 2014 is filed for issuance of Writ of Certiorarified Mandamus, to call for the records from the respondent in respect of the proceedings bearing No:ENF D4/TN/TR/6939/SRO-TRY/2014, dated 24.06.2014 and to quash the same and consequentially, to allow the petitioner's society to pay the dues in 30 installments.

2.The petitioner had submitted an application to consider the petitioner's claim and grant installment. However, the respondents, vide impugned order rejected the claim of the petitioner. Pending this writ petition, the petitioner has paid the entire amount in installments.



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3.The writ petition in W.P.(MD)No.12336 of 2014 was filed to direct the respondents to lift the attachment which was made for non payment of the statutory dues. Since the petitioner has paid the entire amount in installment, the attachment ought to be lifted. The respondents have filed a memo, dated 06.01.2022, wherein it says that there is no provision granting permission for paying the statutory benefit in installments. The writ petitions pertained to the payment up to Rs.13,73,805/-, which the petitioner Society has defaulted in payment for 17 years. Hence, the petitioner Society requested to pay in installment. Since there was no such provision facilitating to pay the amount in installment, the same was rejected, consequently, the attachment was also ordered, vide proceedings, dated 16.04.2014.

4.Pending writ petitions, the petitioner has paid the entire amount on various dates. As on date, the petitioner has paid the entire amount. Therefore, the writ petitions have become infructuous. The petitioner has also circulated a letter to the EPF authority requesting to drop the further proceedings and also requested to issue a letter to the Bank authority for withdrawal of order under



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Section 18 F. The attachment has already been lifted and a memo, dated 06.01.2022, has been filed to that effect.

5. With the above said observation, the writ petitions are closed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

17.11.2022

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S.SRIMATHY, J

Tmg

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