



W.P(MD)No.26035 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26035 of 2022

and

W.P(MD)No.20176 of 2022

M/s.Karuda Fireworks,
Melaamathur Village,
Viruthunagar District – 626 123,
Represented by its Partner.

... Petitioner

Vs

The Regional Provident Fund Commissioner – II,
Employees' Provident Fund Organisation,
Regional Office,
Chokkikulam,
Madurai – 625 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings in No.MD/MDU/PDC/MD/MDU/97430/8F/811/ 2022 dated 04.02.2022 issued by the respondent claiming damages and interest for a sum of Rs.5,01,079/- and quash the same and consequently permit the petitioner to clear the outstanding amount of Rs.5,01,079/- in 24 equal monthly installments.



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For Petitioner : Mr.M.Elanchezhian

For Respondent : Mr.V.S.Karthi
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned order passed by the respondent. As rightly pointed out by the learned Standing Counsel, payment of interest under Section 7(Q) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is the matter of automatic consequence and it cannot be challenged.

3. However, taking note of special facts and circumstances of the case, I felt that the petitioner can be permitted to clear the liability in easy installments. The learned Standing Counsel requested the Court to adjourn the matter so that he can take instructions. In the alternative he also opposed the grant of facility sought for by the petitioner.

4. It is a fact that in such cases this Court has been consistently granting the facility of clearing the liability in easy installments. I do not want to take a different view in this case. Taking note of the fact that the total amount payable



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is Rs.5,01,079/- (Rupees Five Lakhs One Thousand and Seventy Nine only).

I permit the petitioner to clear the same in 8 installments. The payment of the first installment will commence from **01.12.2022**. From the second installment onwards, payment can be made on or before 10th of every succeeding month. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2022

Index : Yes / No
Internet : Yes/ No
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To

The Regional Provident Fund Commissioner – II,
Employees' Provident Fund Organisation,
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G.R.SWAMINATHAN, J.

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