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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26424 of 2022
and
W.M.P(MD)No.20614 of 2022

M/s.Jumbo Fire Works India Private Limited,
Unit III,
80, Velayutham Road,
Sivakasi – 626 123,
Virudhunagar District,
Represented by
The Managing Director. ... Petitioner

Vs

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Distrit Office,
AKM Complex,
Old Virudhunagar Road,
Sivakasi – 626 189. ... 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/DO/SVKS/ 42197/M-9/Recovery/2022 dated 04.11.2022 and quash the same and consequently, permit the petitioner to clear the interest of Rs.6,50,635/- in 20 equal monthly installments.

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For Petitioner : Mr.K.Hemakarthikeyan

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

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent organisation.

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 alternative he has 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.6,50,635/- (Rupees Six Lakhs Fifty Thousand Six Hundred and Thirty Five only). I permit the petitioner to clear the same in nine (9) 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.

23.11.2022

Index : Yes / No
Internet : Yes/ No
mga

To

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Distrit Office,
AKM Complex,
Old Virudhunagar Road,
Sivakasi – 626 189.

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G.R.SWAMINATHAN, J.

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