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W.P.No.183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.183 of 2023
and W.M.P.No.172 of 2023

M/s Hotel Saravana Bhavan
19, Vadapalani Andavar Koil Street,
Vadapalani, Chennai – 600 026.

.. Petitioner

VS

The Regional Provident Fund Commissioner II,
Regional Office, Chennai (South),
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai – 600 014.

.. Respondent

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari or any other order in the nature of
writ to quash the order bearing No.TN/RO/CHN(South)/PDC/26280/D-
27/2022/7Q dated 19.12.2022 in Diary No.2300 of 2019 passed by
the Respondent, The Regional Provident Fund Commissioner II,
Regional Office, Chennai (South).



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For Petitioner : Mr.C.Manohar Gupta
For Respondents : Mr.R.Vishnu
Standing Counsel

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ORDER

1. This Writ Petition has been filed challenging the order dated 19.12.2022 passed by the respondent under Section 7Q of the EPF Act, under which the petitioner has been directed to pay an interest amount of Rs.1,46,83,110/- for the period from January, 2015 to November,2018.

2. Learned counsel for the petitioner on instructions would submit that the petitioner is willing to pay the aforementioned sum provided, they are allowed to pay in 12 monthly instalments due to their present financial crisis.

3. Mr.R.Vishnu, learned Standing Counsel accepts notice on behalf of the respondents. He opposes the payment of the determined sum in instalments by the petitioner.

4. This Court, after giving due consideration to the fact that the petitioner is facing financial crisis, is inclined to permit the petitioner to pay the determined amount under Section 7Q of the EPF



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Act in 9 instalments instead of 12 instalments sought for by the learned counsel for the petitioner. Ultimately, the respondent is interested in revenue and therefore, when the petitioner has voluntarily come forward to pay the interest amount under Section 7Q of the said Act, this Court will have to show indulgence to the petitioner and permit them to pay in monthly instalments.

5. For the foregoing reasons, this Writ petition is disposed of, by directing the petitioner to pay a sum of Rs.1,46,83,110/- to the respondent which is the amount determined by the respondent as payment of interest under Section 7Q of the Act for the period from January 2015 to November, 2018 in 9 monthly instalments commencing from 1st February, 2023 and it is made clear that the petitioner shall pay the monthly instalments on or before 5th of every English Calendar month. If the monthly instalments are made by the petitioner without committing any default, the respondent shall not take any coercive steps against the petitioner. However, it is made clear that in case of any default in payment of monthly instalments, the respondent is at liberty to take action against the petitioner in accordance with law.



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6. With the aforesaid direction, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2023

Index:Yes/No

Neutral Citation:Yes/No
ssm

To

The Regional Provident Fund Commissioner II,
Regional Office, Chennai (South),
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ABDUL QUDDHOSE,J.

ssm

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