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W.P.No.915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

Coram

The Honourable Mr. Justice **ABDUL QUDDHOSE**

Writ Petition No.915 of 2023
and W.M.P. No.892 of 2023

M/s.Thiruthani Co-operative Sugar Mills Ltd.,
Rep. by its Managing Director,
Ms.J.Malarvizhi,
Thiruvalangadu 631 210.
Thiruvallur District.

..... Petitioner

-Versus-

Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office, S-1, TNHB, Phase-III,
Sathuvachery, Vellore 632 009.

....Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of impugned composite order Ref.No.TB/VLR/19928/7Q & 14B/PDC/2022/4757 dated 16.12.2022 passed by the respondent for the interest amount of Rs.13,43,802/- (Rupees Thirteen Lakhs Forty Three Thousand Eight Hundred and Two only), to quash the same and consequently direct the respondent to accept the remaining interest amount in 36 equal monthly instalments.

For Petitioner : Mr.P.Thangaraj

For Respondent : Mr.P.K.Panneer Selvam



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ORDER

The petitioner is a co-operative sugar mill which is facing financial crisis as seen from the affidavit filed in support of this writ petition. They claim that they provide sustainable development to the people in rural areas. According to the petitioner, they are facing loss of Rs.30 crores every year and their actual loss till date is more than Rs.300 crores. They also claim that due to financial crisis, they are also unable to pay the salary to their employees on time and the bad debts of the petitioner society has also increased manifold. The petitioner is liable to pay interest for the delayed payment of the EPF contributions payable by them. The amount has also been determined by the respondent at Rs.13,43,802/- and the petitioner admits the same. However, they seek time to pay it in 36 monthly instalments in view of the financial crisis faced by them. Ultimately, the respondent is interested in revenue generation forthwith rather than writing for long number of years.

2. No useful purpose would be served if this writ petition is kept pending that too when the petitioner has admitted its liability to pay interest and has come forward to pay the same in instalments. However, this Court is of the considered view that the



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thirty six monthly instalments sought for by the petitioner is on the higher side and such a long rope cannot be granted by this Court to the petitioner.

3. After giving due consideration to the financial difficulties expressed by the petitioner in the affidavit filed in support of this writ petition, this Court is inclined to direct the petitioner to pay a sum of Rs.13,43,802/- to the respondent towards interest in nine equated monthly instalments commencing from February 2023 and it is made clear that each and every instalment shall be paid by the petitioner on or before 5th of every English calendar month. In case the petitioner fails to pay even one instalment on time, the respondent is granted liberty to proceed against the petitioner and enforce the amount due and payable to them towards interest in accordance with law.

4. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office, S-1, TNHB, Phase-III,
Sathuvachery, Vellore 632 009.



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ABDUL QUDDHOSE,J.,

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