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W.P.No.9344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9344 of 2023

M/s Vasambadi Estate,
Shevaroy Hills,
Represented by its
Joint Party Receiver
L.RMK.L. Ramakrishnan

...Petitioner

Vs

The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organisation
Salem Steel Plant Road,
Dalavaipatti,
Salem-636 302

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit the petitioner to remit the sum of Rs.9,33,679/- being damages amount demanded in terms of Proceeding No.CB/RO/SLM/PDC/795/S-V/14B-Proceedings/2022 dated 24.08.2022 passed under Section 14B of the Employee Provident Fund Act, 1952 and sum of Rs.4,53,362 being interest amount demanded in terms of proceedings No.CB/RO/SLM/PDC/795/S-V/7Q-Proceedings/2022 dated 24.08.2022 passed under Section 7Q of Employee Provident Fund Act, 1952 in 48



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equal monthly instalments.

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For Petitioner : Mr.Adithya Varadarajan
For Respondent : Mr.R.Vishnu
Standing Counsel

ORDER

Learned counsel for the petitioner submits that they are unable to remit the demand amount under Section 14-B along with 7-Q orders of the Employee Provident Act, 1952 in time owing to severe financial crunch arising out of COVID-19 pandemic situation.

2. By taking into consideration of the reasons assigned by the petitioner for not making the payments in time, this Court is of the view that if the same amount is directed to be paid in six equal monthly instalments, ends of justice would be secured.

3. Accordingly, there shall be a direction to the petitioner to pay a total sum of Rs.9,33,679/-(Rupees Nine lakhs thirty three thousand six hundred seventy nine only), being the dues under the orders passed under Section 14B of Employees Provident Fund Act, 1952 together with a



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sum of Rs.4,53,362/-(Rupees Four lakhs fifty three thousand three hundred sixty two only) being the interest amount under Section 7-Q of the Employees Provident Fund Act, 1952 in six (6) equal monthly instalments, commencing from April, 2023. The first instalment shall be paid on or before 30.04.2023 and the subsequent monthly instalments shall be paid on or before 15th day of every succeeding month.

4. In case, the petitioner defaults in paying the instalments, the respondent is at liberty to recover the amount in one lumpsum.

5. With the above direction, the writ petition is disposed of. No costs.

03.04.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

SR

To

The Regional Provident Fund Commissioner-II,
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Salem Steel Plant Road,
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