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W.P.No.23170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23170 of 2023

and W.M.P.Nos.22713 of 2023

Parveen Travels (P) Limited
AB Towers
No.148, Perambur Barracks Road
Purasawalkam
Chennai-600 007.

. . . Petitioner

Vs.

Regional Provident Fund Commissioner-II
Recovery Officer
Employees Provident Fund Organisation
Ministry of Labour & Employment
Regional Office, Chennai (North)
37, Royapettah, High Road,
Chennai-600014.

. . . Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of a writ, direct the respondent herein to grant time and for remittance of the balance dues towards contributions for the period from April 2019 to August 2022 in 36 instalments.

For petitioner : M/s.M.Radha Gopalan

For Respondents : Mr.R.Vishnu



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ORDER

This Writ Petition has been filed for a direction to the respondent for grant of time to remit the balance outstanding dues of contributions for the period from April 2019 to August 2022 in 36 instalments.

2. Mr. R.Vishnu, learned counsel takes notice on behalf of the respondent.

3. It is the case of the petitioner that due to default in payment of workmen Provident Fund Contribution to the tune of Rs.5,65,57,229/- for the period from April 2019 to August 2022, the Assessment Officer, Employees Provident fund initiated proceedings against the petitioner under Section 7A of the Employees' Provident funds and Miscellaneous Provisions Act, 1952 pursuant to which, an order came to be passed on 04.04.2022 calling upon the petitioner to remit the balance dues towards workmen PF dues. Though, the petitioner through his letter sought time to remit the balance amount by way of 36 instalments (i.e., 36 months), however, his request was not considered. Aggrieved by the same, the petitioner is before this Court.



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4. Learned counsel for the petitioner submits that due to the nation wide lock down declared by the Government during the COVID pandemic, the petitioner company underwent a huge financial loss and therefore, the petitioner could not clear the balance outstanding dues all at once. Hence, the petitioner may be permitted to remit the balance outstanding dues by way of 36 instalments within the time that may be stipulated by this Court.

5. On the above contention, this Court heard the learned counsel appearing for the respondent

6. Considering the factual matrix and also the period in issue falling within the pandemic period, this Court is inclined to issue a direction to the petitioner to remit the balance dues of workmen Provident Fund in twenty equal monthly instalments of which the first instalment shall be paid on 10.08.2023 and the subsequent instalments shall be paid on the 10th day of every subsequent month.



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WEB COPY 7. Accordingly, this Writ Petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

07.08.2023

Index : Yes / No

Internet : Yes / No

NHS

Note to Office:

Issue order copy of 07.08.2023

To

Regional Provident Fund Commissioner-II
Recovery Officer
Employees Provident Fund Organisation
Ministry of Labour & Employment
Regional Office, Chennai (North)
37, Royapettah, High Road,
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M.DHANDAPANI, J

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