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W.P.No.38937 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.38937 of 2016 and
W.M.P.No.33352 of 2016

M/s.Uthangarai Agri Pro Co.op.
Marketing Society,
Rep. By its Director,
Uthangarai,
Krishnagiri-635 207.

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner (PDC),
Anna Salai, Salem-636 004.

2. The Bank Manager
Dharmapuri District,
Central Co-operative Bank Branch,
Uthangarai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, Calling for records of the 1st Respondent in Ref. TN/SRO/ SLM/ PDC/ 17149/ KR- 01/ 7Q/ Proceeding/ 2014 dated 20.08.2014 and quash the same and consequently direct the 1st respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.



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For Petitioners : Mr.B.Gopalakrishnan
For M/s.R.Manoharan

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ORDER

The petition has been filed seeking to quash the order of the 1st Respondent in Ref. TN/SRO/ SLM/ PDC/ 17149/ KR- 01/ 7Q/ Proceeding/ 2014, dated 20.08.2014 and consequently, direct the 1st respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.

2. It is the case of the petitioner that the petitioner is the cooperative society and the petitioner has incurred loss of Rs.2.91 crores upto 31.03.2015. Due to which, the petitioner was not able to remit the EPF contribution on time to the second respondent. The first respondent has passed the impugned order dated 20.08.2014 directed the petitioner to pay damages for a sum of Rs.4,88,381/-. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the first respondent has already attached the bank account of the petitioner with the second respondent and has taken a sum of Rs.1,34,000/- lying in the credit of



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the petitioner's account. However, the remaining amount of Rs.10,54,381/- will be paid to the second respondent by way of five installments and hence, this Court may permit the petitioner to pay the above said amount.

4. The learned counsel for the second respondent have not raised any objection in this regard.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and also of the fact that the petitioner Society is ready and willing to pay the balance amount by way of five installments, there shall be a direction to the petitioner Society to pay the balance amount to the second respondent in five Equated Monthly Installments (EMI) on or before 5th of every succeeding English Calendar month, commencing from August, 2023.

7. With the above directions, the writ petition is disposed of. No costs.



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Consequently, connected miscellaneous petition is also closed.

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

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Note: Issue order copy on 13.07.2023

To

1. The Assistant Provident Fund Commissioner (PDC),
Anna Salai, Salem-636 004.

2. The Bank Manager
Dharmapuri District,
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M.DHANDAPANI, J.

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