



W.P.No.20374 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20374 of 2023

And

W.M.P.No.19738 of 2023

M/s.PERI Educational and Charitable Trust,
Rep. by its Chairman
Mr.Saravanan Periasamy

... Petitioner

Vs.

Regional Provident Fund Commissioner II
Employees' Provident Fund Organisation
3, Rajaji Salai, Tambaram,
Chennai – 600 045.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to receive the payment pursuant to the order No.TB/RO/TAM/62643/PDC/7Q/524/2022 – 2023 passed by the respondent of u/s.7Q of the Employees Provident Fund and Miscellaneous Provisions Act from the petitioner in 11 monthly.

For Petitioner : Mr.L.Muralikrishnan
For Respondent : Mr.R.Thirunavukkarasu
Standing Counsel



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to receive the payment pursuant to order No.TB/RO/TAM/62643/PDC/7Q/524/ 2022 – 2023 passed by the respondent under Section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act [in short 'EPF and MP Act'] from the petitioner in 11 monthly installments.

2.The case of the petitioner is that the petitioner is running Engineering College. Due to the financial crunch faced by the petitioner during the COVID pandemic, they were not able to pay the employees provident fund contribution on time and the Regional Provident Fund Commissioner initiated inquiry under Section 14B of the EPF and MP Act and closed the same in a mechanical manner and ordered damages to the tune of Rs.45,60,036/- on 28.02.2023. Aggrieved by the same, the petitioner preferred appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai and the same is pending.

3.The further case of the petitioner is that the Regional Provident Fund Commissioner II, Tambaram passed order under Section 7Q of



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the EPF and MP Act on 28.02.2023 to remit the interest at 12% per annum to the tune of Rs.22,35,583/-, however, the same was not intimated to the petitioner. After coming to know about the same, the petitioner sent a letter dated 12.06.2023 to the respondent seeking to remit the said interest amount in 11 installments, however, the same was not considered. Hence, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that this Court may consider the financial constraints faced by the petitioner and allow the petitioner to remit the interest amount demanded by the respondent to the tune of Rs.22,35,583/- by way of 11 installments.

5.The learned counsel appearing for the respondent submitted that only statutory interest was ordered by the respondent and the petitioner has to necessarily pay the same and requesting to pay the amount in installments is not sustainable one and vehemently opposed to grant the relief sought for by the petitioner.

6.The petitioner is ready to remit the interest amount demanded by the respondent, however, seeks permission to remit the same by



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way of installments. Considering the financial constraints faced by the petitioner, this Court permits the petitioner to remit the interest amount demanded by the respondent under Section 7Q of the EPF and MP Act by way of six installments and the same shall be remitted on or before 5th of every succeeding English Calendar Month, commencing from August, 2023. If the petitioner fails to remit the amount as ordered above, liberty is granted to the respondent to initiate proceedings as against the petitioner in accordance with law.

7.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

12.07.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

Regional Provident Fund Commissioner II
Employees' Provident Fund Organisation
3, Rajaji Salai, Tambaram,
Chennai – 600 045.



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