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W.P.No.31704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.31704 of 2023 and
W.M.P.No.31339 of 2023

M/s.Nanganallur Co-Operative Stores,
Rep. by its Manager,
D.Ponnivalavan,
No.40, 1st Main Road, Nanganallur,
Chennai - 600 061.

... Petitioner

Vs.

Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, No.3, Rajaji Salai,
Tambaram, Chennai - 600 045.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, calling for records of the impugned Prohibitory Order in TB/TAM/RO/RECY/CP3/515/9599 /2023-24, dated 14.09.2023 to quash the same and direct the respondent to accept the remaining outstanding amount of Rs.12,75,816/- (Rupees Twelve Lakhs Seventy Five Thousand Eight Hundred and Sixteen only) in 24 equal monthly installments.



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For Petitioner : Mr.P.Thangaraju

For Respondent : Mr.R.Thirunavukkarasu,
Standing Counsel

ORDER

The Writ Petitioner is running 23 Ration Shops apart from running one Medical and one Speciality Super Market under the Tamil Nadu Government's Public distribution System (PDS) in Kanchipuram, Chengalpattu and Chennai Districts. The Writ Petitioner is not a profit oriented Organisation and they are providing essential food items at subsidized rates. The petitioner was facing severe financial crisis on account of delay in getting the subsidy grants from the Government of Tamil Nadu. However, the respondent initiated proceedings under Sections 14B & 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, and directed the Writ Petitioner to pay the entire amount along with damages and interest for the belated payment of Employees Provident Fund dues to the employees. Based on this, the Recovery Certificates were issued to the Respondent / Recovery Officer who in turn issued the impugned Prohibitory Order in TB/TAM/RO/RECY/CP3/515/9599/2023-24, dated 14.09.2023 for a sum



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of Rs.18,36,847/- to the Writ Petitioner's Banker namely M/s.Kanchipuram Central Cooperative Bank, Nanganallur Branch. The Order of attachment of the Bank account passed by the respondent would impact the distribution of the essential items to 26,650 family Ration Card holders. The petitioner therefore, filed the present Writ Petition, permitting them to pay the balance amount with interest at Rs.12,75,816/- in 24 equal installments.

2. The learned counsel for the respondent contended that though the petitioner is praying for 24 monthly installments, five monthly installments shall be granted to pay the balance amount.

3. In the circumstances, the Writ Petitioner is directed to pay the balance amount of Rs.12,75,816/- (Rupees Twelve Lakhs Seventy Five Thousand Eight Hundred and Sixteen only) in five monthly installments commencing from November 2023. If there is any default in paying the installments, the respondent is at liberty to take coercive steps against the Writ Petitioner to recover the dues.



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4. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
vum

To

The Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, No.3, Rajaji Salai,
Tambaram, Chennai - 600 045.



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R. HEMALATHA, J.

vum

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