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W.P.No.32833 of 2023
and W.M.P.No.32461 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

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

W.P.No.32833 of 2023
and W.M.P.No.32461 of 2023

M/s.Sri Karthikeya Spinning and Weaving Mills Limited,
Represented by its General Manager, D.Subbiah,
Uppilpalayam, Coimbatore - 641 015. ... Petitioner

Vs.

Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Regional Office, Dr.Balasundaram Road,
Coimbatore - 641 018. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of demand notice in Ref.No.CB/CBE/61/CC17/Damages Cell/2023-24 dated 31.10.2023 issued by the respondent and to quash the same and consequently direct the respondent to accept the interest amount of Rs.12,75,727/- in 24 equal monthly installments.

For Petitioner : Mr.R.Manoharan

For Respondent : Mr.C.Kulanthaivel



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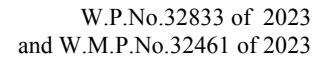
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ORDER

The present writ petitioner is running a Textile Mills. Since there was a financial crisis and insufficient working capital, they were unable to run the factory. Consequent upon which they could not pay EPF Contribution on time. However, the respondent initiated proceedings under Sections 14B & 7Q of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'EPF & MP Act') and directed the writ petitioner to pay a sum of Rs.12,75,727/- under Section 7Q of the EPF & MP Act.

2.Mr.R.Manoharan, learned counsel for the writ petitioner would contend that the writ petitioner is ready to pay the interest amount provided they are given sufficient time to pay the said amount. It is also his contention that there is no *Mens rea* for delayed payments and therefore, there cannot be any levy of damages.

3.Mr.C.Kulanthaivel, accepts notice for the respondent. His contention is that as per the orders passed by the Regional Provident Fund Commissioner - II, the writ petitioner has to pay the amount of Rs.12,75,727/- under Section 7Q of the EPF & MP Act within 15 days



4. Taking into consideration of the writ petitioner's plea, it is held that the writ petitioner can pay the sum of Rs.12,75,727/- in five equal monthly installments commencing from December 2023, and if there is any default in payment of the amount, the respondent is at liberty to take coercive steps against the writ petitioner.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

21.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

mtl

To

Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Regional Office, Dr.Balasundaram Road,
Coimbatore - 641 018.

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