



WEB COPY



W.P.No.34803

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.34803 of 2023
and W.M.P.No.34808 of 2023

M/s.Swan Electric Contracts Company Private Ltd.,
No.34, Khadar Nawaz Khan Road,
Kakani Tower, 3rd Floor, Nungambakkam,
Chennai – 600 006.

...Petitioner

Vs.

The Assistant Provident Fund Commissioner (PDC),
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai – 600 014.
Respondent

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to quash the order bearing Ref No.TN/RO/CHN-1/CC-1(PDC)/TN/53173/D-522/2023 dated 13.10.2023 passed by the respondent, the Assistant Provident Fund Commissioner (PDC), Regional Office, Chennai (South) levying interest amounting to Rs.35,12,167/- under Section 7 Q of the EPF & MP Act, 1952.

For Petitioner	:	Mr.C.Manohar Gupta
For Respondent	:	Mr.K.Venkatesan
		Standing Counsel for PF



W.P.No.34803

ORDER

The challenge in the Writ Petition is to the order passed by the respondent under Section 7 Q of Employee Provident Funds and Miscellaneous Provisions, Act, 1952 directing the petitioner to pay a sum of Rs.35,12,167/-.

2.Even though the order had been challenged, learned counsel appearing for the petitioner would submit that the petitioner would be willing to pay the amount in equated monthly installments and also would rely upon the orders of the learned Single Judge and also the Hon'ble Division Bench of this Court to substantiate his claim to make a demand in 12 equated monthly installments. But, on the contrary Mr.K.Venkatesan, learned Standing Counsel appearing for the respondent would submit that the dues are statutory in nature and such a long period cannot be granted, atleast the petitioner should be directed to pay within three equated monthly installments.

3.Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner, this Court directs the petitioner to pay the said sum in seven equated monthly installments starting from February 2024. If there is any default in any one of the monthly installments, the respondent is permitted to take appropriate steps as provided under law.



W.P.No.34803

4. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
pam

To

The Assistant Provident Fund Commissioner (PDC),
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai – 600 014.



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K.KUMARESH BABU, J.

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