



W.P.(MD)No.3383 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3383 of 2023

and

W.M.P.(MD)No.3136 of 2023

Dot Com Infoway Private Limited,
Represented by its CEO,
Pl No.3, Vaigai Colony,
Anna Nagar,
Madurai - 625 020.

... Petitioner

Vs.

Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road, Chokkikulam,
Madurai - 625 002.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings No.MD/MDU/PDC/M-4/58437/000/7Q/2022 dated 30.12.2022



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(received on 10.01.2023) and quash the same as illegal and consequently, direct the respondent to accept the payment of demanded interest amount of Rs.5,06,835/- in 20 equated monthly installments.

For Petitioner : Mr.M.E.Ilango

For Respondent : Mr.R.Ravikumar

ORDER

This Writ Petition has been filed to call for the records of the impugned order passed by the respondent vide proceedings No.MD/MDU/PDC/M-4/58437/000/7Q/2022, dated 30.12.2022 (received on 10.01.2023), quash the same as illegal and consequently, direct the respondent to accept the payment of demanded interest amount of Rs.5,06,835/- (Rupees Five Lakhs Six Thousand Eight Hundred and Thirty Five only) in 20 equated monthly installments.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a Private Limited Company incorporated under the Companies Act, 1956. Due to financial crisis and loss in the business, the



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petitioner could not remit the EPF contribution on the due dates and it had paid the contribution belatedly, for which, the respondent initiated the proceedings under Section 14B as well as 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Finally, damages were levied by an order, dated 30.12.2022 for a sum of Rs.10,31,303/- (Rupees Ten Lakhs Thirty One Thousand Three Hundred and Three only) and interest was determined as Rs.5,06,835/- (Rupees Five Lakhs Six Thousand Eight Hundred and Thirty Five only). Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has an efficacious appeal remedy before the Appellate Authority, in order to give quietus, the petitioner prays for some time to deposit the entire amount in ten monthly installments.

4. The learned counsel appearing for the respondent submits that he has no objection, if this Court fixes the installments within a reasonable period.



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5. Considering the limited request made by the learned counsel appearing for the petitioner and the fact that the petitioner himself has come forward to deposit a sum of Rs.5,06,835/- (Rupees Five Lakhs Six Thousand Eight Hundred and Thirty Five only) in ten monthly installments, this Court is inclined to stay the impugned notice till the payment of the entire amount with the following directions:

- i. The petitioner is directed to pay a sum of Rs.56,835/- (Rupees Fifty Six Thousand Eight Hundred and Thirty Five only) on or before **06.03.2023** and the remaining amount of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) shall be paid in nine equal monthly installments, i.e., Rs.50,000/- (Rupees Fifty Thousand only) per month. The first installment will commence from April' 2023 and the installment shall be paid on or before the **5th day of every month**;
- ii. After the entire amount is deposited, the respondent may recall the impugned order; and
- iii. In case of any default, the respondent is directed to proceed with the impugned notice in accordance with law.



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5. Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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Note: Issue order copy by 28.02.2023.

To

1. Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office,
Lady Doak College Road, Chokkikulam,
Madurai - 625 002.
2. The CEO,
Dot Com Infoway Private Limited,
Pl No.3, Vaigai Colony,
Anna Nagar,
Madurai - 625 020.



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M.DHANDAPANI,J.

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