



W.P(MD)No.13125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13125 of 2023

and

W.M.P.(MD)No.11108 of 2023

M/s.BVV Paper Industries Private Ltd.,
Represents by its Director Sharad Kandelwal,
Registered Office at 148,
Palani Road, Venkatesa Mills Post,
Udumalpet-642128.

... Petitioner

Vs.

RPF Commissioner II,
Employees Provident Fund Organization,
District Office,
Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents not to take coercive steps to recover the ordered amount as per the order of recovery in ref MD/MDU/20929/M-13/Interest/2023, dated 02.05.2023, pending disposal of the writ petition and permit the petitioner to remit the balance interest of Rs.39,66,309/- (Rupees thirty nine lakhs sixty six thousand and three hundred and nine only) in 24 equal monthly installments.



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For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondent : Mr.K.Muralishankar
Standing Counsel

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ORDER

Heard the learned counsel on either side.

2. The petitioner had taken over an establishment that had become insolvent. The establishment had been directed to pay a sum of Rs.39,66,309/- towards interest levied under Section 7(Q) of EPF Act. Though the petitioner has questioned the impugned recovery order, when the matter was taken up for hearing, the learned counsel, on instructions, submitted that he would be satisfied, if the petitioner is given facility to clear the liability in 24 equal monthly installments.

3. The learned standing counsel strongly opposes the said request. According to him, when the order impugned in the writ petition is not to be faulted, this Court ought to straight away dismiss the writ petition. He also would add that there is no scope for installment facility.

4. I carefully considered the rival contentions. The objections raised by the learned counsel are well founded. However, the writ court has been granting facility of paying in installments, when the special fact and circumstances require such course being adopted. Admittedly, in this



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case, the industry had gone bankrupt. The provisions of IBC 2016 were invoked. Therefore, the facts and circumstances of this case are undoubtedly special. However, it is not possible to accept the petitioner's request for clearing liability in 24 installments. I permit the petitioner to pay the demanded amount in 12 equal monthly installments. The payment of the first installment will commence on 01.07.2023. If the petitioner commits default in paying two successive installments, the benefit of this order would stand automatically vacated and it would be open to the respondents to take recovery measures as per law. The impugned order is put on hold. If any attachment has been made, it shall also be raised.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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