



W.P.(MD).No.23150 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23150 of 2023

and

W.M.P(MD)Nos.19350 & 19351 of 2023

King Beedi Company,
Represented by its Managing Partner,
Abdul Nissar.

... Petitioner

Vs.

1.The Assistant P.F Commissioner,
Regional Office,
NGO B Colony,
Tirunelveli.

2.The Enforcement Officer,
Regional Office,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent in No.CB/TNY/46626/14B/PDC1(3)/2023, dated 14.08.2023 made under Section 14B and the consequential order in No.CB/TNY/46626/ 7Q/PDC1(3)/2023, dated 14.08.2023 made under Section 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.



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For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.Mehaboob Athiff
Standing Counsel

ORDER

The present writ petition has been filed for a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent in No.CB/TNY/46626/14B/PDC1(3)/ 2023, dated 14.08.2023 made under Section 14B and the consequential order in No.CB/TNY/46626/ 7Q/PDC1(3)/2023, dated 14.08.2023 made under Section 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. An order has been passed by the Assistant Provident Fund Commissioner in case No.401 of 2023 against the petitioner's levying damages at statutory rights under 14B and 7Q of the Employees Provident Funds and



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Miscellaneous Provisions Act, 1952 for an amount of Rs.54,083/- and Rs.34,233/-, which would come to a total of Rs.88,316/-.

4. When the matter was taken up for admission, the learned Counsel for the petitioner submitted that he is ready to pay the amount. However, he readily permitted to pay the said amount in installments.

5. The learned Standing Counsel for the respondents vehemently submitted that this is not a huge amount to be permitted to be paid in installments and pressed for dismissal of this writ petition.

6. However, considering the fact that the petitioner's Company is seriously a sick Company and considering the difficult economic situation of the petitioner's Company, this Court is inclined to direct the petitioner to pay the entire outstanding balance of Rs.88,316/- in three installments to be payable on 10th day of every month in English calendar (i.e.,) the period from 10.10.2023 to 10.12.2023. Failing which, the respondents are at liberty to recover the same in the manner known to law.



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7. This writ petition stands disposed of, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Assistant P.F Commissioner,
Regional Office,
NGO B Colony,
Tirunelveli.

2.The Enforcement Officer,
Regional Office,
Tirunelveli.



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L.VICTORIA GOWRI, J.

BTR

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