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W.P.No.27411 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**W.P.No.27411 of 2009**

**and**

**M.P.Nos.2 & 3 of 2009**

Super Recording Co.Ltd.,  
713, Anna Salai, Chennai 2,  
Rep by its Manager,  
Sri Mahadevan.

...Petitioner

Vs

Assistant Provident Fund Commissioner,  
Office of the Regional Provident Organisation,  
37, Royapettah High Road,  
Madras 14.

...Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in Ref.No.TN/RO/TN/31649/Gr.I/PD.Cell-6/2009, dated 08.12.2009, on the file of the respondent and quash the same as ultra vires, unconstitution and against the principles of natural justice and consequently direct the respondent to afford fair and reasonable opportunity to the petitioner before ever taking/issuing any final decision in respect of PF Code No.31649 pertaining to the petitioner, including attachment and other penal actions.

For Petitioner : Mr.G.Deepika

For Respondent : Mr.T.R.Sundaram

**ORDER**



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This Writ petition has been filed to call for the records in Ref.No.TN/RO/TN/31649/Gr.I/PD.Cell-6/2009, dated 08.12.2009, on the file of the respondent and quash the same as ultra vires, unconstitutional and against the principles of natural justice and consequently direct the respondent to afford fair and reasonable opportunity to the petitioner before ever taking/issuing any final decision in respect of PF Code No.31649 pertaining to the petitioner, including attachment and other penal actions.

2.When the matter is taken up today, the learned counsel for the petitioner submitted an affidavit, wherein, it is stated that by way of the impugned order vide Ref.No.TN/RO/TN/31649/Gr.I/PD.Cell-6/2009, dated 08.12.2009, respondent made a claim of Rs.1,88,266/-. By the attachment order passed, a sum of Rs.1,04,000/- lying in the account was attached towards the claim of the respondent. The remaining amount of Rs.84,266/- is to be paid. Petitioner seeks six months time to pay this sum of Rs.84,266/- in six monthly instalments.

3.The learned counsel for the respondent submitted that six



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monthly instalments is a long time and prayed for restriction of the duration for the payment of this amount.

4.Considering the affidavit filed by the petitioner and the fact that the petitioner company is not doing great business now, this Court is inclined to accept the affidavit filed by the petitioner. Accordingly, this Writ Petition is disposed of giving six months time to pay Rs.84,266/- in six equal monthly instalments on or before 5<sup>th</sup> of every month commencing from February 2024.

5.With the above directions and observations, this Writ Petition stands disposed of. Parties are directed to bear their own costs. Consequently, connected miscellaneous petitions are also closed.

**23.01.2024**

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

**G.CHANDRASEKHARAN, J.**



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To  
Assistant Provident Fund Commissioner,  
Office of the Regional Provident Organisation,  
37, Royapettah High Road,  
Madras 14.

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**23.01.2024**