



WEB COPY



W.P.No.5505 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.5505 of 2024

and

WMP.No.6087 of 2024

M/s.Mother Commerce Company Pvt. Ltd.,
Represented by its Executive Director,
Mr.N.Ramakrishnan,
S/o.T.Natarajan,
No.40, I Floor, Montorsier Street,
Puducherry - 605 001. ... Petitioner

Vs.

1.The Regional Provident Fund Commissioner – II,
Employees Provident Fund Organisation,
R.O.Puducherry,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry – 605 004.

2.The Recovery Officer,
Employees Provident Fund Organisation,
R.O.Puducherry,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikerapalayam,
Puducherry – 605 004. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



W.P.No.5505 of 2024

to issue a Writ of Certiorari, to call for the records pertaining to the Proceedings of the 1st respondent in Order No.TN/RO/PDY/158/PDC/14B/2023 dated 13.06.2023 and quash the same and direct that the matter may be remitted back to the 1st respondent for fresh determination strictly in accordance with the principles of natural justice.

For Petitioner : Mr.R.Rajesh

For Respondents : Mr.P.K.Panneer Selvam

* * * * *

ORDER

This Writ Petition is filed to call for the records pertaining to the Proceedings of the 1st respondent in Order No.TN/RO/PDY/158/PDC/14B/2023 dated 13.06.2023 and quash the same and direct that the matter may be remitted back to the 1st respondent for fresh determination strictly in accordance with the principles of natural justice.

2.With the consent of both the parties, the writ petition is taken up for final disposal.

3.The learned counsel for the petitioner prays that the Court may permit the petitioner to pay the balance dues of Rs.7,45,758/- under Section 14(B) order in Equated Monthly Installments. Earlier on the submission of



W.P.No.5505 of 2024

the learned counsel for the respondent, this Court vide order dated 06.03.2024 directed the petitioner to deposit a sum of Rs.1,00,000/- on or before 13.03.2024 as a condition for considering the petitioner's prayer for paying in installments.

4.The learned counsel for the petitioner submits in compliance of the order dated 06.03.2024, Rs.1,00,000/- was deposited. The learned counsel for the respondents does not dispute the same. The learned counsel for the petitioner therefore prays that permission may be granted to remit the balance amount of Rs.7,45,758/- in seven Equated Monthly Installments of Rs.1,06,537/-. The learned counsel further submits that the respondent has passed an attachment order freezing the bank account of the petitioner. As the attachment order was served directly to the bank, the same could not be produced by him before this Court.

5.The learned counsel for the respondent submits that he has no objection for the permission sought for by the petitioner to deposit the said amount of Rs.7,45,758/- in seven Equated Monthly Installments of Rs.1,06,537/-, but liberty should be given to the respondent to take coercive



W.P.No.5505 of 2024

action in case of default.

WEB COPY

6.I have heard both the learned counsels and I have perused the materials on record.

7.In view of the above said submissions of the learned counsels, the petitioner is directed to pay the balance amount of Rs.7,45,758/- in seven Equated Monthly Installments of Rs.1,06,537/- on or before 10th of every month. In case of default in payment, the respondents shall be at liberty to take coercive action to recover the amount by following the due process of law. The respondents are further directed to defreeze the Bank Account of the petitioner and pass orders lifting the attachment order, if any, forthwith.

8.Accordingly, the writ petition stands allowed with the aforesaid direction. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

13.03.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order



W.P.No.5505 of 2024

WEB COPY

To

- 1.The Regional Provident Fund Commissioner – II,
Employees Provident Fund Organisation,
R.O.Puducherry,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikeerapalayam,
Puducherry – 605 004.
- 2.The Recovery Officer,
Employees Provident Fund Organisation,
R.O.Puducherry,
No.101, 100 Feet Road,
Sree Venni Commercial Complex,
Chollan Nagar, Olandaikeerapalayam,
Puducherry – 605 004.
- 3.M/s.Mother Commerce Company Pvt. Ltd.,
Represented by its Executive Director,
Mr.N.Ramakrishnan,
S/o.T.Natarajan,
No.40, I Floor, Montorsier Street,
Puducherry - 605 001.



WEB COPY



W.P.No.5505 of 2024

N.MALA, J.

ah

W.P.No.5505 of 2024



WEB COPY



W.P.No.5505 of 2024

13.03.2024