



WEB COPY



W.P.No.7288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.7288 of 2024 and
W.M.P.No.8150 of 2024

PMP Textiles Spinning Mills Ltd
represented by its Managing Director
Mr.P.Mutusamy
Thangam Nagar,
Pagalpatti Post, Nallampalli,
Dharmapuri – 636 807.

...Petitioner

Vs.

1. Regional Provident Fund Commissioner-II/Inquiry Officer,
Employees' Provident Fund Organization
Regional Office
Steel Plant Road,
Dalavypatti,
Salem – 636302.

2. The Recovery Officer,
Regional Provident Fund Organization
Salem Regional Office,
Steel Plant Road,
Dalavaipatti,
Salem – 636 302.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to pay in Twenty five instalments, the amount of Rs.97,47,124/-



W.P.No.7288 of 2024

(Rupees Ninety seven lakhs forty seven thousand one hundred and twenty four only) which is covered under the “Notice of Demand to the defaulter prior to attachment of movable and immovable properties issued by the 2nd respondent on 23.02.2024 in proceedings number SPL RRC No.CB/SLM/0028442/RECY/513/2024.

For Petitioner : Ms.P.V.Rajeswari
For Respondent : Mr.P.K.Paneerselvam
Standing Counsel

ORDER

The writ petition is filed for a writ of mandamus directing the respondents to permit the petitioner to pay in twenty five installments, the amount of Rs.97,47,124/- (Rupees Ninety Seven lakhs forty seven thousand one hundred and twenty four only) which is covered under the “Notice of Demand to the Defaulter prior to Attachment of Movable and Immovable properties” issued by the 2nd respondent on 23.02.2024 in proceedings number SLP RRC No.06/CB/SLM/0028442/RECY/513/2024, after adjusting the payments already made.

2. The learned counsel for the petitioner submits that on 29.01.2024, a sum of Rs.10,17,450/- (Rupees ten lakhs seventeen thousand four hundred and fifty only) was remitted and therefore the balance amount payable is only Rs.87,29,674/- (Rupees Eighty seven lakhs twenty nine thousand six hundred and seventy four only), and the same is evident from the letter dated



W.P.No.7288 of 2024

01.03.2024 duly acknowledged by the first respondent. The learned counsel submits that the petitioner is a sick unit and is doing only job work and therefore the petitioner is not in a position to pay the dues of Rs.87,29,674/- in single payment. The learned counsel therefore submits that the petitioner may be permitted to pay the aforesaid dues in 25 equated monthly installments.

3. The learned counsel for the respondent submits that the petitioner should be directed to make some initial payment to establish its bonafides and in any event the plea to pay in 25 equated installments should not be countenanced as it is too long a period. The learned counsel further submits that if the Court is inclined to allow the petitioner's plea then liberty should be given to the respondent to take coercive steps in case of default by the petitioner.

4. I have considered the submissions of both the learned counsels.

5. The petitioner is a textile undertaking and it is the case of the petitioner that the petitioner company was revived in the end of February 2021 after tidying over several financial problems in pursuance of its closure from 2018 to 2020. The petitioner's business is said to be stabilizing and the petitioner is now regularly paying the dues to the respondent without any default. In the said scenario, I am of the view that the interest of justice would



W.P.No.7288 of 2024

be met if the petitioner is directed to deposit initially a sum of Rs.7,29,634/-

(Rupees Seven lakhs twenty nine thousand six hundred and thirty four only)

on or before 22.04.2024 and thereafter the petitioner should pay balance of Rs.80,00,000/- in 15 equated installments. The petitioner shall pay the first installment on or before 10.06.2024 and thereafter, the remaining installments should be paid on or before 10th of every month. It is made clear that if the petitioner defaults in paying even one of the installments then the respondent shall be at liberty to take coercive steps to recover the balance in accordance with law. The writ petition is accordingly disposed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

22.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
shl

To

4/6



W.P.No.7288 of 2024

1. Regional Provident Fund Commissioner-II/Inquiry Officer,
Employees' Provident Fund Organization
Regional Office
Steel Plant Road,
Dalavypatti,
Salem – 636302.

2. The Recovery Officer,
Regional Provident Fund Organization
Salem Regional Office,
Steel Plant Road,
Dalavaipatti,
Salem – 636 302.



WEB COPY



W.P.No.7288 of 2024

N.MALA,J.

shl

W.P.No.7288 of 2024 and
W.M.P.No.8150 of 2024

22.03.2024