



WEB COPY



W.P.No.15231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.15231 of 2024
and WMP.No.16572 of 2024

M/s.Sanitz Technologies,
Rep., by its Authorized Signatory/Proprietor,
Mr.Vidyarani V Rao,
No.51, Marine House,
Sri Ranga Majestic Avenue,
G.N.Mills, Coimbatore-641029.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Dr.Balasundaram Road,
Coimbatore-641 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus to call for the records in Ref.No.CB/CBE/PDC/CC-14/1024820/Interest u/s 7Q/2024-25 dated 10.05.2024 directing to remit the interest under Section 7Q a sum of Rs.8,66,946/- passed by the respondent and quash the same and consequently directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.



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For Petitioner : M/s.B.Gopalakrishnan

For Respondent : Mr.P.K.Paneerselvam

ORDER

This Writ Petition is filed seeking for quashment of the records in Ref.No.CB/CBE/PDC/CC-14/1024820/ Interest u/s 7Q/2024-25 dated 10.05.2024 and to direct to remit the interest under Section 7Q a sum of Rs.8,66,946/- passed by the respondent and to direct the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 installments.

2. It is submitted by the learned counsel for the petitioner that the petitioner concern is engaged in the activity of providing man power to the corporation schools, hospitals etc. When Coimbatore corporation has committed default in payment of Rs.5.00 crores to be paid to the petitioner towards providing man power, petitioner has filed W.P.No.24105 of 2022 wherein directions were given to the petitioner to participate in the tender proceedings of the Coimbatore corporation for providing man power to the coimbatore corporation. The petitioner firm has borrowed loans to meet the salaries for the contractual workers. On account of financial crisis, there was delay in payment of EPF contributions to the respondents.



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3. The respondent has issued notice vide Ref.No.CB / CBE/ 1024820 /000/ Enf 501/DAMAGES/14 dated 29.05.2023 which was received petitioner firm on 08.01.2024 directing the petitioner to remit the interest under Section 7(Q) to the tune of Rs.8,66,946/- and damages under Section 14B to the tune of Rs.17,01,577/-. Petitioner submitted reply explaining reasons for delay stating that non payment of compensation was unintentional and on account of financial crisis, petitioner firm was unable to pay the contributions. However the respondent passed impugned order vide Ref.No.CB/ CBE/PDC/CC-14/1024820/ Interest under Section 7Q dated 10.05.2024 directing to remit interest under Section 7Q a sum of Rs.8,66,946/-.

4. It is submitted by the learned counsel for the petitioner that on account of financial crisis, it is not possible for the petitioner firm to pay the entire amount of Rs.8,66,946/-, thereby sought for direction to pay said amount of Rs.8,66,946/- in ten equated monthly installments.

5. Mr.P.K.Paneer Selvam, who has taken notice for the respondent has strongly opposed and submitted that considering the facts of this case, easy monthly installments need not be granted.



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6. Considering the submissions made by both sides and perusal of the records, this Court is inclined to grant certain installments to the petitioner firm to pay the demanded amount of Rs.8,66,946/- under Section 7(Q) by way of impugned order.

7. In the result, the Writ Petition is disposed of permitting the petitioner to an amount of Rs.8,66,946/- demanded under Section 7(Q) by way of impugned order in six equated monthly installments and the first installment will commence on 18.06.2024 and the petitioner is directed to pay the rest of the five installments on or before 15th of every successive month. In case, if the petitioner fails to pay any of the installment as directed by this Court, the orders passed by this Court granting installments deemed to have been vacated and the petitioner firm will be liable to pay the entire demanded amount at once. No costs. Consequently, connected miscellaneous petition closed.

12.06.2024

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Index: Yes/No

Speaking Order: Yes/No



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The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Dr.Balasundaram Road,
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Dr.D. NAGARJUN, J.

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