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W.P.No.20861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.20861 of 2024

M/s.Servall Engineering Works,
Betathapuram, Bilichi Post,
Coimbatore – 641 019.

... Petitioner

Vs.

Assistant Provident Fund Commissioner - II
Employees Provident Fund Organisation
Dr.Balasundaram Road
Coimbatore 18.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of order Ref.No.CB/CBE/PDC/CC-13/11478/Interest u/s 7Q/2024-25 dated 04.07.2024 passed by the respondent and directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal instalments.

For Petitioner	:	Mr.B.Gopalakrishnan for Mr.D.Krishnamoorthy
For Respondents	:	Ms.R.Meenakshi Standing Counsel for EPF



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ORDER

This Writ Petition has been filed seeking for Certiorarified Mandamus, calling for the records of order Ref.No.CB/CBE/PDC/CC-13/11478/Interest u/s 7Q/2024-25 dated 04.07.2024 passed by the respondent and directing the respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal instalments.

2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in Fabrication of paper manufacturing machineries and is covered under establishment, the Employees Provident Fund & Miscellaneous Provisions Act, 1952. As the petitioner company was facing several problems from the year 2015, the EPF contributions were not paid within the stipulated period. The petitioner was not able to remit the contribution for many months. The respondent has initiated enquiry on 20.05.2024 to assess the Interest dues for various months between the period 11/2014 to 03/2023. After conclusion of enquiry, the respondent has passed an order on 04.07.2024 directing the petitioner to pay a sum of Rs.16,43,931/-



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under Section 7Q of the EPF Act. Aggrieved by the same, the petitioner has filed this Writ Petition.

3. Ms.R.Meenakshi, learned Standing Counsel, who has taken notice for the respondent, has submitted that an opportunity was given to the petitioner to participate in the enquiry. On considering the entire material on record since there was a delay on payment of contribution, the orders were passed on 04.07.2024 directing the petitioner to pay interest under Section 7Q of the EPF Act, to the tune of Rs.16,43,931/- and thereby submitted that the petitioner is not entitled for any relief.

4. Considering the submissions of both sides and on perusal of the records, it is clear that the petitioner was given an opportunity during the course of enquiry by the respondent prior to issuance of order under Section 7Q of the EPF Act. On account of financial obligations, the petitioner has reported not paid the contribution of EPF for various period between 11/2014 to 03/2023.



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5. In view of the above, considering the submissions made by the learned counsel for the petitioner and on hearing the learned counsel for the respondent this Court is inclined to grant the relief of payment of arrears in instalment since it is submitted that the petitioner Company is facing severe financial problems.

6. In view of the above, this Writ Petition is disposed of permitting the petitioner to pay a sum of Rs.16,43,931/- as ordered by the respondent in the impugned order dated 04.07.2024 in 10 monthly equal instalments. The 1st instalment shall commence from 16th of August and thereafter, the petitioner shall continue to pay the rest of the instalment at 16th of every month successively. In case of petitioner fails to pay any one of the instalments, the respondent is at liberty to recover entire amount at once and the orders passed by this Court automatically stand vacated.



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7. With the above directions, this Writ Petition is disposed of. No

costs.

29.07.2024

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 30.07.2024

To

Assistant Provident Fund Commissioner - II
Employees Provident Fund Organisation
Dr.Balasundaram Road
Coimbatore 18.



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Dr.D.NAGARJUN, J.

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