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W.P.No.27748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27748 of 2024 and
W.M.P.No.30258 of 2024

M/s.Bannari Amman Spinning Mills Ltd., (Garment Division),
SF.No.293/2, Palladam H W Park,
Sukkampalayam, K.N.Puram Post,
Palladam, Tiruppur - 641 662,
Rep. by its Assistant General Manager - HR.

... Petitioner

Vs.

The Regional Provident Fund Commissioner - II,
EPF Organisation,
District Office, 497, I Floor,
M/s.Muthusamy & Bros Industrial Complex,
Palladam Road, Tirupur - 641 604.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, to direct the respondent to permit the
petitioner to refund a sum of Rs.75,07,505/- to the respondent in 75 equal
monthly instalments.

For Petitioner : Mr.M.Elanchezhian
For Respondent : Mr.R.Vishnu

ORDER



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The petitioner has filed this Writ Petition seeking a direction to the respondent to permit the petitioner to refund a sum of Rs.75,07,505/- to the respondent in 75 equal monthly instalments.

2. Heard Mr.M.Elanchezhian, learned counsel for the petitioner, Mr.R.Vishnu, learned counsel for the respondent and perused the materials available on record.

3. The learned counsel for the petitioner submitted that on 08.07.2024, the respondent has issued the proceedings stating that the petitioner's entity is a single unit and they have engaged more than 1000 employees during the reference base month of September 2020 and for which, the contributory pension payment dues are outstanding to the tune of Rs.75,07,505/-.

4. The learned counsel for the petitioner further submitted that the petitioner unit is having several financial constraints. Hence, it may not be possible to make one time payment of huge amount of Rs.75,07,505/. Hence, it is stated that a representation has been given to allow the



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petitioner to pay the above said amount in monthly installments.

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5. Considering the fact that the petitioner did not deny his liability to pay the above said amount, but his endeavour is only to get a convenient mode of payment in installments, I feel the respondent can consider and pass orders by appreciating the representation already given by the petitioner. Accordingly, the respondent is directed to consider the representation already given by the petitioner in this regard and pass suitable orders within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

gsk

To

The Regional Provident Fund Commissioner - II,
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