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W.P.No.37581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.37581 of 2024

and

WMP.Nos.40626, 40628 & 40630 of 2024

M/s.Shanmugam Contractor
Represented by its Proprietor
E.Shanmugam
No.2, Gangaianman Kovil Street
Kalivanthapattu
Kairampedu Post
Chenalpattu 603 202.

... Petitioner

Vs.

1.The Regional P.F. Commissioner-II (C & R)

Employee's Provident Fund Organisation

Regional Office, No.3, Rajaji Salai

Chennai 600 045.

2.The Assessing Officer

Employee's Provident Fund Organisation

Regional Office, No.3, Rajaji Salai

Chennai 600 45.



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3.The Recovery Officer RO
Regional Office
Tambaram.

4.The Branch Manager
Central Bank of India
Maraimalai Nagar Branch
MMDA Building 2nd Floor
Raji Gandhi Salai
Chennai 603 209.

5.The Branch Manager
HDFC Bank
Maraimalai Nagar Branch
HIG 80, Pavendar Salai NH-1
Chennai 603 209.

6.The Branch Manager
Indian Bank
Puzhuthivakkam Branch
No.3, 1 Floor, Gems Mart Complex
Medavakkam Main Branch
Chennai 600 091.

7.The Branch Manager
Tamil Nadu Mercantile Bank
Tambaram Branch
No.33, Siva Shanmugam Street
Tambaram, Chennai 600 045.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in



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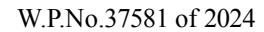
No.TB/TAM/RO/CC-II/T-6/Proceedings/1720162/2023 dated 20.02.2023 passed by the first respondent and impugned order in RRC No.TB/TAM/RO/ENF/CC-II/T-6/1720162/2023 dated 14.06.2023 passed by the second respondent and consequential bank attachment order in No.TB/TAM/RO/RECY/526/1720162/2023-24 dated 03.10.2023 passed by the third respondent to the fourth respondent bank attachment order in No.TB/TAM/RO/RECY/526/172016/CP3/2024-25 dated 04.07.2024 passed by the third respondent to the fifth respondent, bank attachment order in No.TB/TAM/RO/RECY/526/1720162/CP3/2024-25 dated 04.09.2024 passed by the third respondent to the sixth respondent, Bank attachment order in No.TB/TAM/RO/RECY/CP3/526/1720162/2024-25 dated 26.09.2024 passed by the third respondent to the seventh respondent and quash the same.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.R.Thirunavukarasu for R1 to R3

ORDER

This Writ Petition is filed calling for the records on the file of the respondent relating to the impugned order dated 20.02.2023 passed under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act 1952 and the consequential recovery action taken by the Authorities and



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outer limit of 60 days, this Court under Article 226 cannot extend the limitation beyond the period of 60 days. It is also well settled that this Court under Article 226 cannot entertain the Writ Petition as against which a statutory remedy is provided with the limitation and merely because the limitation has expired.

4. In view thereof, this Court is unable to countenance the contention of the learned counsel for the petitioner. In any event, the learned counsel for the petitioner has produced a copy of the demand draft dated 12.09.2024 whereby the petitioner seems to have paid a sum of Rs.3,00,000/-. In respect of the balance amount also, if the petitioner seeks time by way of installments, the respondent Authorities are directed to consider the same and as far as possible extend the installments in accordance with law so that the petitioner can pay the balance due.

5. Therefore, Writ Petition cannot be entertained. As on date, it is seen that since a sum of Rs.3,00,000/- was paid in the month of September 2024 and Rs.59,000/- was already recovered, the balance being about



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Rs.14,95,000/-. In view thereof, it will be open to the petitioner to deposit a sum Rs.5,00,000/- with the respondents and upon receipt of Rs.5,00,000/-, the prohibition orders issued for freezing the bank accounts shall be lifted and those accounts shall be permitted to be operated and for the balance sum, orders shall be passed by the respondents granting installments and intimating the same to the petitioner and the petitioner shall comply with the said installments and in case of any default of the future installments, once again orders can be passed freezing the accounts.

6. With the above observations, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

10.12.2024

Neutral Citation : No
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