



WEB COPY



W.P.No.36357 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.36357 of 2023

and

WMP.Nos.36342 & 36343 of 2023

M/s.Winsun Exports,
Rep. by its partner Revathi
W/o.Thangaraj,
Door No.28, Velliankadu,
2nd Street, Tiruppur.

... Petitioner

Vs.

Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
District Officer, No.497, 1st Floor,
M/s. Muthusamy & Bros Industrial Complex,
Palladam Road,
Tiruppur.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call upon the records of the respondent made in No.CBE/DO-TPR/CC-22/1963234/2023-24/1694 dated 21.07.2023 and consequential order in No.CBE/DO-TPR/Comp/Div-22/1963234/2023-24/3590 dated 21.11.2023 and quash the same and direct



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the respondent provided opportunity to the petitioner and conduct fresh enquiry and pass such further or other orders as this Court may deem fit.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.P.K.Panneerselvam

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ORDER

This writ petition is filed to call upon the records of the respondent made in No.CBE/DO-TPR/CC-22/1963234/2023-24/1694 dated 21.07.2023 and consequential order in No.CBE/DO-TPR/Comp/Div-22/1963234/2023-24/3590 dated 21.11.2023 and quash the same and direct the respondent to provide opportunity to the petitioner and conduct fresh enquiry

2.At the time of admission of the writ petition this Court granted interim stay on condition of deposit of a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) within a period of four weeks from the date of receipt of a copy of the order. The learned counsel for the petitioner submits that pursuant to the interim order dated 28.12.2023 a sum of Rs.5,00,000/- vide Demand Draft No.618871 was sent to the respondent. The respondent



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received the demand draft without any acknowledgement for the same. As the respondent did not opt to present the Demand Draft for collection, the petitioner deposited a sum of Rs.5,79,276/- through online mode on 14.02.2024 and the receipt of the same is admitted by the respondent. The learned counsel submits that because of the financial difficulties the petitioner was not able to remit the dues. The petitioner further submits that the petitioner company vide the memorandum dated 24.05.2019 entered into a joint venture with Srie Flora Garment to run part of Garment Manufacturing facilities of “WINSUN” at the “WINSUN EXPORTS”. The learned counsel therefore seeks permission of this Court to remit the balance amount of Rs.26,06,742/- as against the dues of Rs.31,86,018/- in six equated monthly installments of Rs.4,34,457/-.

3.Considering the facts and circumstances of the case, I am of the view that the permission sought for by the petitioner can be granted. The petitioner is therefore directed to pay the balance amount of Rs.26,06,742/- in six equated monthly installments of Rs.4,34,457/- per month on or before 10th of every month. It is made clear that if the petitioner defaults in payment of any of the installments, the respondent will be at liberty to recover the same in the manner known to law.



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WEB COPY 4. Accordingly, the writ petition is disposed of with the above direction.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

27.02.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

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To

Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
District Officer, No.497, 1st Floor,
M/s. Muthusamy & Bros Industrial Complex,
Palladam Road,
Tiruppur.



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N.MALA, J.

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