



W.P(MD)No.4937 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.4937 of 2021

and

W.M.P.(MD)Nos.4010 to 4012 of 2021

Hayavadhana Educational Society,
Reg.No.110/2012,
Thirukattupalli Main Road,
Budalur, Thanjavur-613 602,
Rep. by its Authorized Representative

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner
(Compliance),
Employees' Provident Fund Organization,
Regional Office, Sree Complex, 'D' Block,
No.18, Madurai Road, Trichy-620 008.

2.The Lakshmi Vilas Bank,
Thirukattupalli Branch,
Thanjavur, Rep. by Branch Manager.

3.The Indian Overseas Bank,
Budaloor Branch, Thanjavur,
Rep. by its Branch Manager.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in No.ENF D1/CB/TRY/1655819/RO-TRY/2020, dated 29.12.2020, impugned demand



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notice of the 1st respondent No.ENF/D1/TN/TRY/1655819/RO-TRY/2021, dated 22.01.2021 impugned attachment proceedings of the 2nd respondent dated 01.02.2021 attaching the petitioner's Account CA No.0736360000000266 and consequential impugned demand notice of the 1st respondent in No.ENF/D1/TN/TRY/1655819/RO-TRY/2021, dated 15.02.2021 seeking attachment of the bank account of the petitioner with the 3rd respondent in SB A/c.No.0216020000000852, quash the same and consequently, to direct the 1st respondent to reopen the enquiry for conducting re-enquiry providing reasonable opportunity to the petitioner to complete the enquiry in accordance with law for proper determination of the dues payable by the petitioner society to the 1st respondent.

For Petitioner : Mr.P.Vadivel

For R1 : Mr.I.Pinaygash

For R2 & R3 : Mr.N.Dilip Kumar

ORDER

Challenging the demand notices and attachment order, this Writ Petition is filed.

2.When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner is now ready and willing to pay a sum of Rs.14,02,344/- (Rupees Fourteen Lakhs Two Thousand and Three Hundred and Forty Four Only) by way of six equal monthly installments. In



this regard, he has also filed an affidavit before this Court. The relevant portion of the same is extracted hereunder:-

“2.I submit that the 1st respondent has passed an order on 29.12.2020 under Section 7A of Employees Provident Funds and Miscellaneous Provisions Act 1953 against Hayavadhana Educational Society to remit the Provident Fund amount of Rs. 14,02,344/- (Rupees Fourteen Lakhs Two Thousand and Three Hundred and Forty Four Only) to the respective employees provident fund account head maintained at the State Bank of India. Aggrieved against the same the employer Hayavadhana Educational Society preferred the writ petition to quash the said order. Now I hereby undertake to pay the said amount of Rs. 14,02,344/- (Rupees Fourteen Lakhs Two Thousand and Three Hundred and Forty Four Only) in installments within a period of six months from this day.”

3.The learned counsel appearing for the 1st respondent would submit that the petitioner may be directed to pay the said amount within a period of four equal monthly installments.

4.In view of the said submission made on either side and considering the affidavit filed by the petitioner, this Court directs the petitioner to pay the said amount of Rs.14,02,344/- by way of four equal monthly installments. The



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first installment shall be made on or before 31.01.2025; the second installment shall be made on or before 28.02.2025; the third installment shall be made on or before 31.03.2025; and the fourth installment shall be made on or before 30.04.2025.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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KRISHNAN RAMASAMY, J

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