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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16246 of 2017 and
WMP(MD) Nos.11947 & 12920 of 2017

Saravana Tex Industries,
Rep by its Managing Partner,
D.Ramesh ... Petitioner

Vs

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
No.1, Lady Doak College,
Madurai.

2.The Recovery Officer,
Employee Provident Fund Organization,
No.1, Lady Doak College,
Madurai. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in No.MD/MDU/58100/RO/RECY/2017, dated 20.07.2017 and quash the same and consequently direct the

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respondents to follow the due process of law before issuing the sale proclamation order.

For Petitioner : Mr.R.Niresh Kumar
For Respondents : Mr.Murali Shankar

O R D E R

The petitioner, a Textile Mill established in the year 2001 has filed this writ petition in the year 2017 as against the order passed by the EPF authority, under Section 8B to 8G of the Employees' Provident Funds and Miscellaneous Funds and Miscellaneous Provisions Act, 1952, attaching the property of this petitioner towards the liability for EPF contribution for a sum of Rs.7,65,150/-

2.This Court, while entertaining this writ petition , by order dated 29.08.2017 has passed an order directing the petitioner to pay 25% of the total liability to the respondents and also directed the parties to file a calculation memo.

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3.Today(29.10.2024), when this writ petition is taken up for final hearing, the learned counsel appearing for the petitioner submits that as per the directions of this Court, he has paid 25% of the total contribution and for making balance payment, he seeks some more time. The learned counsel further submits that pending this writ petition, the petitioner Textile Mill has been taken over by the Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Therefore, he requests this Court to make the balance payment in three monthly equal installments.

4.This Court considered the submissions made on behalf of the petitioner and also perused the materials placed on record.

5.The order impugned in this writ petition is the order passed by the EPF authority, under Section 8B to 8G of the Employees' Provident Funds and Miscellaneous Funds and Miscellaneous Provisions Act, 1952, attaching the property of this

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petitioner towards the liability for EPF contribution for a sum of Rs.7,65,150/-. It appears that this Court while entertaining this writ petition has passed an order permitting the petitioner to pay 25% of total contribution to the respondents. Now, it is claimed that the petitioner has also paid the amount, as directed by this Court. It is also brought to the notice of this Court that pending this writ petition, the petitioner Mill was taken over by the Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

6.In view of the above, this writ petition is disposed of with a direction to the petitioner to pay the balance amount in four monthly equal installments. No costs. Consequently, connected Miscellaneous petitions are closed.

17.10.2024

NCC :Yes/No
Index :Yes
vrn

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.16246 of 2017 and
WMP(MD) Nos.11947 & 12920 of 2017

29.10.2024

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