



W.P.No.6130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6130 of 2025

and

W.M.P.Nos.6739 & 6742 of 2025

M/s.Akshayah Matriculation Higher Secondary School,
Rep. by its Correspondent,
No.21, Villa Elysian, Therkupattu Village,
Thiruvidanthai, Chennai – 603 112. ... Petitioner

Vs.

The Employees' Provident Fund Organization,
Rep. by its Regional Provident Fund Commissioner,
No.3, Rajaji Salai, Chennai – 600 045. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the respondent in Ref. No.TB/RO/TBM/RECY/DIV 514/ 62424/2024-25 dated 21.01.2025 and quash the same.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.Thirunavukkarasu
Standing Counsel

ORDER



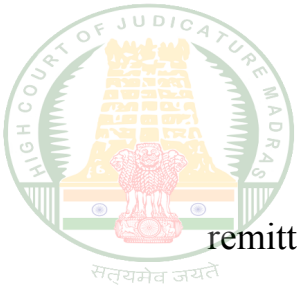
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This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the respondent in Ref. No.TB/RO/TBM/RECY/DIV 514/ 62424/2024-25 dated 21.01.2025 and quash the same.

2. Mr.Thirunavukkarasu, learned Standing Counsel, takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, M/s.Akshayah Matriculation Higher Secondary School was started in the year 2005 June and was functioning till March 2020, when it closed down. Initially, for the period from 2005 to 2016 the petitioner institution was run by Mowbrays Education Society, a Trust run by the petitioner's family. Thereafter, from 2016 onwards, due to disputes in the family, the petitioner institution was taken over by the Akshayah Educational Trust. Initially, the respondent issued a notice dated 25.10.2022 while the School was shut down directing the petitioner to appear for an enquiry on 12.12.2022 to pay a sum of Rs.22,98,836/- towards interest and damages for the alleged



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remittance of EPF contribution for the period 2005 to 2011. Due to ill-

health, the petitioner was unable to attend the enquiry and thereafter, he visited the office of the respondent in a medial cast due to a fractured shoulder to attend another enquiry in January 2023. However, he was asked to return at a later date due to his poor physical health, but, no further communication was received. Therefore, show cause notice dated 29.07.2024 was issued along with an arrest warrant in furtherance to an order dated 29.04.2024 passed in Certificate No.TB/TAM/RO/ENF/CC-I/PDC/T-4/62424/2024 directing the petitioner to pay sum of Rs.22,98,836/-. Pursuant to which, the managing trustee appeared for an enquiry and submitted initial response explaining the petitioner's stand and requested a copy of all orders passed against the petitioner to allow them to seek appropriate remedies. Thereafter, an order of attachment of immovable property dated 21.01.2025 in Ref. No.TB/RO/TBM/RECY/DIV514/62424/2024-25 was issued attaching the petitioner school land, school as well as the house of the petitioner. Challenging the same, the present writ petition is filed.

4. Though very many grounds have been raised in this writ petition,



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at the time of arguments, learned counsel for the petitioner restricted the prayer and sought permission of this Court to remit the alleged delayed remittance of the contribution to the respondent organization for the period from 2005 to 2011 of Rs.22,98,836/- in 20 equated monthly installment. He further prays that the warrant of arrest may be set aside.

5. On the above contentions, heard the learned Standing Counsel appearing for the respondent and perused the materials available on record.

6. In view of the limited request sought for by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order, permits the petitioner to remit the alleged delayed remittance of the contribution to the respondent of Rs.22,98,836/- by way of 20 instalments and the petitioner is directed to pay the first installment on or before the 7th day of March, 2025 before the respondent. Upon such payment, the warrant of arrest issued as against the petitioner shall stand raised. Further, the remaining dues shall be paid by the petitioner, by way of nineteen (19) equated monthly installments, on or before 7th of every succeeding English Calendar month, starting from the month of April,



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2025. If the petitioner fails to adhere to the undertaking of remitting any of the installments and commits default, it is open to the respondent to revive the warrant of arrest and to initiate appropriate action against the petitioner in accordance with law.

7. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, the connected Miscellaneous petitions are closed.

21.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
No.3, Rajaji Salai, Chennai – 600 045.



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M.DHANDAPANI, J.

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