



WEB COPY



W.P.No.6100 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.6100 of 2025

and

WMP.Nos.6711 and 6712 of 2025

M/s.PMP Textiles Pinning Mills Ltd.,
Thangam Nagar, Pagalpatti Post,
Nallampalli,
Dharmapuri – 636 807,
Rep. by its Director.

...Petitioner

Vs.

1. The Regional Provident Fund Commissioner &
Recovery Officer – II,
Regional Office,
Steel Plant Road,
Dalavaipatti,
Salem – 636 302.
2. The Branch Manager,
Union Bank of India,
Dharmapuri Branch,
Dharmapuri – 636 701.
3. The Branch Manager,
Indian Bank,
Nallampalli Branch,
Dharmapuri – 636 807.

...Respondents



W.P.No.6100 of 2025

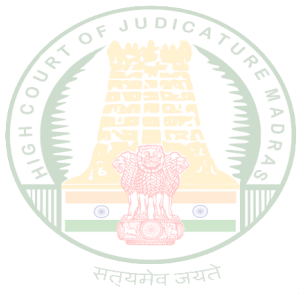
Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to permit the petitioner to remit the sum of Rs.1,93,82,189/- in 30 equated monthly instalments in terms of Warrant of Arrest dated 30.01.2025 in Proceedings No.CB/RO/SLM/28442/CP-26/S-VI/RECY/2024 and further permit the petitioner to operate the Bank Account maintained with the 2nd Respondent, Union Bank of India, Dharmapuri Branch bearing Current Account No.464838965 attached in terms of prohibitory order dated 21.08.2024 in proceeding No.CB/RO-SLM/RECY/28442/S-VI/2024.

For Petitioner : Mr.Anand Gopalan for Agam Legal

For Respondents : Mr.K.Pannerselvam for PF

ORDER

The petitioner has filed this Writ petition seeking direction to the 1st respondent to permit the petitioner to remit the sum of Rs.1,93,82,189/- in 30 equated monthly instalments in terms of Warrant of Arrest dated 30.01.2025 in Proceedings No.CB/RO/SLM/28442/CP-26/S-VI/RECY/2024 and further permit the petitioner to operate the Bank Account maintained with the 2nd Respondent, Union Bank of India, Dharmapuri Branch bearing Current Account No.464838965 attached in terms of prohibitory order dated 21.08.2024 in proceeding No.CB/RO-SLM/RECY/28442/S-VI/2024.



W.P.No.6100 of 2025

WEB COPY

2. Mr.K.Pannerselvam, learned counsel takes notice on behalf of the first 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. Since no adverse order is being passed against the respondents 2 and 3, notice to the respondents 2 and 3 is dispensed with.

4. The case of the petitioner is that it is a private limited company engaged in spinning activities. Since 2015, the petitioner company was hit by severe recession leading to huge accumulation of interest on borrowings, coupled with increase in price of raw materials and the activities of the petitioner came to a standstill. Subsequently, the proceedings u/s. 7A of the EPF Act was initiated by the first respondent demanding contributions for the period 01.04.2016 to 15.10.2019 which was remitted belatedly. Thereafter, by notice dated 18.10.2019, the first respondent claimed a sum of Rs.41,29,481/- as damages and interest of Rs.21,40,387/- in respect of belated remittance. On 15.11.2019, an order under Section 14B was passed claiming damages for the



W.P.No.6100 of 2025

period 01/2015 to 03/2019 and demanded a further sum of Rs.48,67,300/- towards PF dues, damages and interest vide order dated 29.11.2019.

Challenging the same, the petitioner filed an appeal before the Central Government Industrial Tribunal, Chennai in EPFA No.110 of 2020 and obtained an order of interim stay. Thereafter, the first respondent has also issued prohibitory orders, attaching the property of the petition Mill towards the demand raised in terms of the orders passed under Sections 7A, 7Q and 14B of the EPF Act, followed by a notice of arrest warrant dated 05.07.2024. Thereafter, the appeal filed by the petitioner was also dismissed. As a consequence of the aforesaid orders, the first respondent had issued warrant of arrest directing the petitioner to pay a sum of Rs.1,93,82,189/- towards arrears payable by it. Hence, the present writ petition has been filed seeking the aforesaid relief.

5. The learned counsel for the petitioner submitted that, though the present writ petition has been filed seeking the aforesaid relief, at the time of arguments he restricted his prayer and sought a direction to the first respondent to permit the petitioner to remit the determined amount of Rs.1,93,82,189 /- in 20 equated monthly installments and that the petitioner is

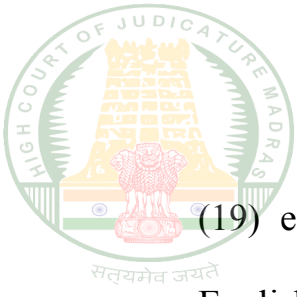


W.P.No.6100 of 2025

also ready to remit a sum of Rs.20,00,000/- as first installment on or before 7th of March, 2025 and thereafter, the remaining dues will be paid by them in 19 equated installments on or before 7th of every succeeding English Calendar month and after receipt of such payment, the respondents 2 and 3 may be directed to de-freeze the bank account maintained by the petitioner with them. He further prays that the warrant of arrest may be set aside.

6. On the above said contentions, heard learned counsel appearing on behalf of the first respondent and perused the materials available on record.

7. In view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permits the petitioner to remit a sum of Rs.20,00,000/- as first installment on or before 7th March, 2025 before the first respondent and upon such payment, the bank accounts maintained by the petitioner with the respondents 2 and 3 shall be defreezed enabling the petitioner to remit their dues as per the undertaking given by the petitioner. On the first installment being paid within the prescribed period, the warrant of arrest as against the petitioner shall stand raised. The remaining dues shall be paid by the petitioner, by way of nineteen



W.P.No.6100 of 2025

(19) equated monthly installments, on or before 7th of every succeeding English Calendar month, starting from 7th of April 2025. If the petitioner fails to adhere to the undertaking of remitting any of the installments and commits default, it is open to the first respondent to revive the warrant of arrest and to initiate appropriate action against the petitioner in accordance with law.

8. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

20.02.2025

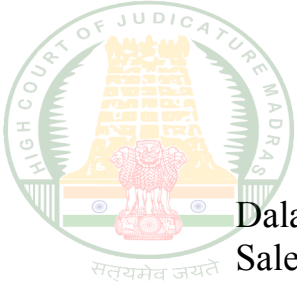
rap

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Regional Provident Fund Commissioner &
Recovery Officer – II,
Regional Office,
Steel Plant Road,

Page No.6 of 8



W.P.No.6100 of 2025

Dalavaipatti,
Salem – 636 302.

WEB COPY

2. The Branch Manager,
Union Bank of India,
Dharmapuri Branch,
Dharmapuri – 636 701.
3. The Branch Manager,
Indian Bank,
Nallampalli Branch,
Dharmapuri – 636 807.

M.DHANDAPANI, J.
rap



WEB COPY



W.P.No.6100 of 2025

W.P.No.6100 of 2025
and
WMP.Nos.6711 and 6712 of 2025

20.02.2025