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W.P.No.10994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

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

W.P.No.10994 of 2025

M/s.Aiswarya Feeds
Rep. by its Managing Partner,
R.Gunasekaran
No.4/132, Mohanur Road,
Sanniyasikaradu PO,
Vagurampatti, Namakal District.

...Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Steel Plant Road,
Dalavalpatti,
Salem – 636 302.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to permit the petitioner to remit a sum of Rs.26,85,211/- in 30 equated instalments in terms of order issued by respondent in No.CB/RO/SLM/Comp-I/PDC/47983/S-4/7Q-Proceeding/2024 dated 14.10.2024.



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For Petitioner : Mr.C.K.M.Appaji

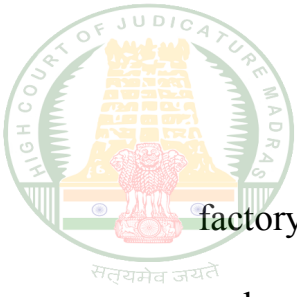
For Respondent : Mr.M.Palani Muthu for EPF

ORDER

The petitioner has filed this Writ petition seeking a direction to the respondent to permit the petitioner to remit a sum of Rs.26,85,211/- in 30 equated monthly instalments in terms of order issued by the respondent in No.CB/RO/SLM/Comp-I/PDC/47983/S-4/7Q-Proceeding/2024 dated 14.10.2024.

2. Mr.M.Palani Muthu, learned 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 the petitioner firm is involved in Egg Trading, Manufacturing of Poultry and Cattle Feeds. It was established in the year 1994. Due to severe recession in the industry, the petitioner



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factory faced difficulties from the year 2018 till 2019, leading to borrowing and accumulation of interest and therefore, the petitioner failed to pay contributions from April 2015 to March 2019, which prompted the respondent to conduct inquiry under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, and Section 7Q of the Act. Thereafter, on 14.10.2024, an *ex-parte* order was passed levying a sum of Rs.36,43,538/- in the head of damages under Section 14B of the Act. Similarly, an *ex-parte* order was passed levying a sum of Rs.26,85,211/- in the head of interest under Section 7Q of the Act on 14.10.2024. Seeking to permit the petitioner to remit the demand amount of Rs.26,85,211/- in 30 equated instalments, the present writ petition has been filed.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondent to permit the petitioner to remit the determined amount of Rs.26,85,211 /- in 30 equated monthly installments.

5. On the above said contentions, heard the learned counsel appearing



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on behalf of the respondent and perused the materials available on record.

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6. 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 the entire demand amount of Rs.26,85,211/- by way of Fifteen (15) equated monthly installments, commencing from 7th April, 2025 and shall pay the installments on or before 7th of every succeeding English Calendar month, failing which, it is open to the respondent to initiate appropriate action against the petitioner in accordance with law.

7. With the above directions, this Writ Petition stands disposed of. No costs.

28.03.2025

ssb

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

Note: Issue order copy on **01.04.2025**

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To:

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Steel Plant Road,
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M.DHANDAPANI, J.

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