



WEB COPY



W.P.No. 38514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 38514 of 2024

VADIM Infrastructure Private Limited,
Represented by its Director,
R.Rajamanickam,
No. 1, Sunil Apartments,
Bashyam Layout, Ganesh Nagar,
Adambakkam, Chennai - 600 088.

... Petitioner

Vs

1. The Employees Provident Fund Organisation,
Regional Office, No. 37, Royapettah High Road,
Chennai.
2. The Recovery Officer,
Chennai South, Bhavishya Nidhi Bhawan,
Employees Provident Fund Organization,
Royapettah, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to permit the petitioner to remit the sum of Rs.18,28,818/- in proceedings No.EPPCP1 No. TN/CHN/Recy/CP1/TN/53511/D-25/Regl/2019 dated 11.04.2019 and RRC No.TNMA43371/0053511/16/07/2021/525/35 dated 16.07.2021 being



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damages and interest amount as per section 14B and 7Q of Employee Provident Fund Act 1952 as per proceedings No.TN/RO/CHN/SOUTH/53511/Recovery/DIV-21/CP25/2024 dated 19.07.2024 in 18 equated monthly instalments.

For Petitioner : Mr.C.S.Jeeva Kuralamudhu

For Respondents : Mr.S.M.Deenadayalan

ORDER

This writ petition is filed challenging the proceedings of the respondents dated 11.04.2019 and 16.07.2021, imposing the damages and interest under section 14B and 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

2. Even though several grounds have been raised with reference to the levy of damages and the interest, when the matter came up for hearing, the learned counsel for the petitioner placing communication dated 26.11.2024 before the Court, submits that the respondent organization has now provided an updated calculation, wherein the total amount due is stated to be Rs.23,31,909/- and a prohibitory order regarding the operation of the bank account has also been issued. He would submit that the petitioner



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management is willing to pay the arrears in monthly instalments. He would further submit that the contribution amount has already been paid and what remains to be paid is only the damages and the interests.

3. Mr.S.M.Deenadayalan, the learned counsel taking notice on behalf the respondents submits that earlier, even for the contribution, this Court had granted installments to the petitioner. The petitioner ought to have paid the amount in time and even though the determination of the damages as well as the interest was made as early as in the year 2019 and 2021, no amount has been paid till date. Even if this Court is inclined to grant installments, only a very short time can be granted making the entire amount payable in 3 or 4 installments

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. In view of the submissions made during the course of the arguments, the petitioner shall pay the sum of Rs.5,00,000/- on or before 31.01.2025 and upon payment of the said sum of Rs.5,00,000/- the prohibitory order dated



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26.11.2024 shall be kept in abeyance. The balance sum shall be paid by the petitioner in 15 equal monthly instalments, starting from the month of February 2025. The installments shall be paid on or before 10th of every month. As long as the petitioner management continues to pay the monthly installments, no further coercive action need to be taken. If the petitioner fails to pay even a single monthly installment, then the prohibitory order shall come into force and further action can be taken by the respondent organization. The parties shall act upon a website-uploaded copy of the order without waiting for the certified copy of the order.

6. With the above terms, this writ petition is disposed of. No costs.

02.01.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

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Chennai.
2. The Recovery Officer,
Chennai South, Bhavishya Nidhi Bhawan,
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