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W.P.No.38399 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.38399 of 2024
and
W.M.P.No. 41585 of 2024

M/s. Trident Coating Private Limited,
Rep. by its Managing Director, R.Selvaraj,
1/590, G.S.T.Road, Vandalur,
Chennai – 600 048, Kanchipuram District.

... Petitioner

Vs

Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, No. 3, Rajaji Salai,
Tambaram, Chennai - 600 045.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records of Impugned order Vide Ref. No.TB/RO/TAM/61435/7Q proceedings/524/2024 dated 12.11.2024 issued by the respondent and to quash the same and allow us to pay the interest amount of Rs.8,93,229/- (Rupees Eight Lakhs Ninety Three Thousand Two Hundred and Twenty Nine Only) in 24 equal monthly instalments.

For Petitioner

: Mr.P.Thangaraju



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For Respondent

: Mr.R.Thirunavukarasu
Standing Counsel

ORDER

This writ petition is filed by the management aggrieved by the proceedings of imposing damages and interest under Sections 7Q of the Employees Provident Funds Miscellaneous Provisions Act, 1952.

2. The learned counsel for the petitioner would submit that the contribution amount has already been paid. Even without considering the hardship that is pleaded by the petitioner organization, a huge sum has now been multiplied as damages as well as the interest, imposed on the petitioner organization. The respondent authorities ought to have considered the pleas made by the petitioner management.

3. Even though submissions were made on merits with reference to the imposition of damages and interest, during the course of the arguments, the learned counsel for the petitioner would submit that the petitioner management would be satisfied if 24 installments were granted to pay the entire amount.



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4. Mr.R.Thirunavukarasu, the learned standing Counsel takes notice on behalf of the respondent organisation and submits that sufficient time has already been given to the management. If the plea is to be considered, this Court can order five instalments for the payment of the interest as well as the damages.

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

6. This Court takes into consideration that the petitioner management has paid the contribution amount and is now seeking for time only with reference to the damages and interest. In view thereof, I am of the view that, considering the hardship which is pleaded on behalf of the petitioner management, interests of justice would be served if the petitioner management is granted 15 equal monthly installments to pay the entire arrears due.

7. The writ petition is disposed of on the following terms:-

(i) The petitioner will be entitled to pay the entire arrears of damages and interest as claimed by the



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respondent organisation in 15 equal monthly instalments, starting from the month of February 2025. The installments shall be paid on or before 10th of every month.

(ii) As long as the petitioner pays the monthly installment as granted by this Court, no further coercive action can be taken. However, if there is a default in the payment of any single installment, it will be open for the respondent organization to proceed further in the manner known to law.

(iii) Consequently, Connected miscellaneous petition is closed. No costs.

02.01.2025
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Neutral Citation: Yes/No
nsl

D.BHARATHA CHAKRAVARTHY, J.

nsl



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