



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 43296 of 2025

Sandip Mohanraj

Petitioner(s)

Vs

The Assistant Provident Fund
Commissioner,
Employees Provident Fund
Organization,
Regional Office, Ambattur,
R-40, A-1, TNHB Shopping Cum
Office Complex,
Mogappair Road, Mogappair East,
Chennai-600 037.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondent not to precipitate any coercive action till the disposal of representation dated 30.09.2025.



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WP No. 43296 of 2025



For Petitioner(s): Mr. ML. Ganesh

For Respondent(s): Mr. P.K. Panneerselvam

**ORDER**

The Writ Petition is filed for Writ of Mandamus directing the respondent not to precipitate the issue by taking coercive action till the disposal of representation dated 30.09.2025.

2. The petitioner's father was running a business under the name and style of M/s.Hi-Tech Valves, by employing several workers. The business was registered under the EPF Act. The petitioner's father filed WP.No.2385 of 2025 challenging the recovery notice issued by the respondent. This court by order dated 27.01.2025, permitted the petitioner's father to pay the arrears of contributions of Rs.39,59,206/- in 15 monthly instalments beginning from February 2025. This Court further directed that in case of failure, the respondent could proceed with the attachment and sale of the property. The petitioner's father within two months of the aforesaid order died on 20.03.2025. The petitioner informed the respondent about the death of his father on 14.04.2025.



Despite being notified of the death, the respondent issued a fresh notice on 23.07.2025, demanding Rs.13,19,735/- towards further EPF dues and threatening attachment of movable properties. The petitioner, having taken over the business only recently and being unaware of the past financial records, requested two months time by a representation dated 30.09.2025. However, it was not considered. The petitioner was therefore constrained to file the above Writ Petition with the aforesaid prayer.

3. The learned counsel for the petitioner at the time of admission of the matter submitted that the petitioner may be permitted to pay the amount demanded in installments. Since the request was not found in the affidavit filed in support of the Writ Petition, the petitioner sought time for filing additional affidavit.

4. The learned counsel for the petitioner has now filed an additional affidavit of undertaking, seeking permission to pay the contributions under



Section 7A in 20 installments. The learned counsel further submitted that though in the 7A order dated 25.08.2023, Rs.49,60,463/- was claimed, a part of the said amount was recovered.

5. The learned counsel submits that considering the financial crisis the family, was thrown into due to the sudden demise of the petitioner's father, this Court may favourably consider the petitioner's request for payment of arrears in installments.

6. The learned counsel for the respondents opposed the petitioner's request for granting time to pay the amount in installments.

7. Admittedly, the petitioner's father approached this Court, challenging the recovery order, dated 11.11.2024 in WP.No.2385 of 2025 and this Court permitted the petitioner's father to pay the amount of Rs.39,59,206/- in



15 monthly installments starting from the month of February 2025. The petitioner's father paid one installment and thereafter, immediately on 20.03.2025 passed away. The petitioner contended that he took over his father's business without knowledge of the aforesaid proceedings. The petitioner therefore seeks permission of this Court to pay the arrears in twenty installments in view of the financial distress suffered due to the sudden demise of his father.

8. Under the facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition with the following directions:-

i) The petitioner shall pay the arrears determined under the Section 7A order dated 23.07.2025 of Rs.36,90,259/-, in twenty equated monthly instalments.

ii) The first installment shall be paid on or before 5th of January 2026.

iii) The balance installments shall be paid on or before 5th of every succeeding English calendar month.

iv) If the petitioner defaults in payment of any one installment, the



respondent shall be at liberty to take coercive action against the petitioner for recovery of the amount as per law.

9. The Writ Petition is disposed of with the above directions. No costs.

19-11-2025

pvs/AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Assistant Provident Fund

Commissioner,

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N.MALA J.

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