



WP.(MD)No.19670 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.19670 of 2021

and

WMP.(MD)Nos.16339 & 16340 of 2021

NN 627 Pethanenthall Primary
Agricultural Cooperative Society Ltd
Rep.through its Secretary
Poovanthi, Thiruppuvanam,
Sivagangai 630 611.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner
Employees Provident Fund Organization
Regional Office
Bhavishya Nidhi Bhavan
Chokkikulam Madurai 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to restrain the respondent from proceeding pursuant to the order under Section 8F of the EPF Act in No.TN/RO/MD/MDU/37664/Recovery/M-8/8F/2021 dated 22.07.2021 and direct the respondent to receive the arrears of contributions and the interest of Rs.9,32,833/- in 30 equal monthly installments.



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For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondent : Mr.K.Murali Shankar

ORDER

Earlier on 10.12.2021, when this matter was taken up for hearing, this Court passed the following order:-

Heard Mr.V.O.S.Kalaiselvam, learned counsel for the petitioner, Mr.K.Murali Shankar, learned counsel for the respondent.

2.When the matter was taken up for hearing on 08.12.2021, this Court has passed the following order:

“This writ petition is filed by the Secretary, NN627 Pethanenthall Primary Agricultural Co-Operative Society Limited, Poovanthi, Thiruppuvanam, Sivagangai district for a mandamus to the respondent to receive the dues in installments and to restrain the respondent from proceeding further based on the direction to the Branch Manager, Sivagangai District Central Co-Operative Bank, Thiruppuvanam Branch, directing him to pay the dues from and out of the money lying in the account of the petitioner's



Society to the respondent.

2.The learned Counsel for the petitioner submits that no doubt they have not remitted the EPF contribution of the employees with the respondent. It is a voluntary coverage made by the petitioner Society, though they are not having required staff strength of 20 employees. The learned Counsel further submits that the Society has suffered loss, due to mismanagement of the then Secretary of the Society and therefore, they are not in a position to remit the dues with the respondent. However, if the petitioner Society is permitted to pay the dues in installments, they would remit the same in six equal monthly installments, starting from 2nd January 2022. He has also submitted that in similar circumstances, this Court has passed such orders permitting the societies to pay the dues in monthly installments.

3.Further, the learned Counsel seeks indulgence of this Court to permit the petitioner Society to pay the amount collected from the farmers towards agricultural insurance, to the insurance company, and it has to be remitted before 10th December 2021. However, in view of the order passed by the respondent, the petitioner Society is not in a position to pay the amount to



the insurance company.

4.In response to the above, the learned Counsel for the respondent objected to such a proposal made by the learned Counsel for the petitioner that there is no provision available under the Employees' Provident Funds and Miscellaneous Provision Act for the Department to accept the dues in installments.

5.This Court paid its anxious consideration to the rival submissions.

6.Considering the present situation that in view of the order passed by the respondent, the petitioner Society is not in a position to pay the insurance amount to the farmers and the petitioner's proposal to remit the EPF dues in six equal monthly installments, there shall be an interim direction to the respondent to permit the petitioner to pay the insurance amount to the insurance company and also agricultural loan to its members, subject to the filing of an undertaking affidavit by the petitioner Society before this Court on or 10.12.2021 that they would remit the EPF dues in six equal monthly installments with the respondent, first installment starting from 2nd January 2022.

7.List the matter on 10.12.2021.”



3.The petitioner has also filed an additional affidavit on 09.12.2021 stating that he would pay a sum of Rs.9,32,833/- in six equal monthly installments, which starts from January 2nd of 2022 and he will remit the said amount on or before 2nd day of every month for six months to settle the contribution dues with interest.

4.Paragraph no.4 of the additional counter affidavit reads as under:

"4.It is most respectfully submitted that considering the same, in the interest of justice, this Court by an order while granting interim-injunction against the prohibitory order issued by the respondent has directed the petitioner to remit the amount of Rs.9,32,833/-in six equal monthly instaliments, starts from January 2nd of 2022. The petitioner with great respect abide by the order of this Court and sworn that the petitioner shall remit the amount on or before 2nd day of every month for six months to settle the contribution dues with interest."

5.In view of the additional affidavit dated 09.12.2021, filed by the petitioner and the need of the petitioner in discharging its duties for disbursing the loan to the farmers by way of



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depositing the Insurance amount, for which they are collecting premium amount from the respective Insurance Companies, there shall be an order of interim injunction as prayed for.

6.Post the matter after six weeks.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner/Society submits that the entire due amount of Rs.10,37,177/- was already paid by the petitioner/Society to the EPF authority.

3.Recording the above submission, this writ petition is closed as nothing survives. No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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B.PUGALENDHI,J

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