



W.P.(MD) No.734 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.734 of 2017

and

W.M.P.(MD) No.592 of 2017

M/s.Hotel Sun World,
Rep., by its Proprietor,
Mr.Kumaran @ Nainar Kumar,
No.6/81B, Kovalam Road,
Kanyakumari.

... Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner,
Sub Regional Office,
No.66, Water Tank Road,
Nagercoi-629 001.
- 2.The Assistant Provident Fund Commissioner,
Sub Regional Office,
No.66, Water Tank Road,
Nagercoil-629 001.
- 3.The Chief Manager,
State Bank of India,
SME Branch Nagercoil,
No.14B, Distillery Road,
Vadasery, Nagercoil.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order passed by the 1st respondent in his Proceedings No. TN/NGL/75290/14B/100/PDC/2016, dated 30.08.2016 and quash the same.

For Petitioner : Mr.P.Banuprasath

For R1 & R2 : Mr.J.S.Murali

ORDER

This writ petition has been filed questioning the Proceedings No. TN/NGL/75290/14B/100/PDC/2016, dated 30.08.2016, whereby the petitioner was required to pay an amount of Rs.2,81,660/- towards damages under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as “the Act, 1952”).

2. The main ground on which the petitioner has chosen to question the said proceedings is that Respondent No.1 has failed to take into



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consideration the amount of Rs.1,82,498/- already paid by the petitioner duly deducting from the Savings Bank account of the petitioner as early as on 24.02.2014.

3. This Court has perused the entire material on record, including the counter affidavit filed by Respondents No.1 and 2.

4. On examination of the entire material, it is noticed that the amount of Rs.1,82,498/- deducted from the bank account of the petitioner was towards Provident Fund contribution, but not towards damages under Section 14B of the Act, 1952. The damages under Section 14B of the Act, 1952 is levied on the ground that the petitioner has paid the Provident Fund contributions belatedly. Therefore, the very basis of the writ petition is found to be incorrect.

5. Be that as it may, a perusal of the impugned order discloses that the authorised representative of the petitioner has agreed to pay the damages claimed by Respondent No.1 to the tune of Rs.2,81,660/- and interest in



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instalments. In spite of the specific finding recorded in the impugned order, there is no dispute raised about the same in the entire affidavit filed in support of the writ petition.

6. In the absence of any dispute about the willingness expressed on behalf of the petitioner to pay the entire dues claimed in the impugned order in instalments, the petitioner is estopped from challenging the said order, that too, without disputing the specific finding recorded in the impugned order. In such circumstances, this Court does not find any error or illegality in the impugned order.

7. Considering the fact that this Court has passed an interim order while entertaining the writ petition by an order dated 18th January, 2017, and the said interim order is still operating, this Court deems it appropriate to grant some reasonable time to the petitioner to pay the entire dues. Accordingly, the petitioner is permitted to pay the entire dues under the impugned order in four equal monthly instalments commencing from 15th April, 2025.



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8. Subject to the above observations, this Writ Petition is dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1.The Regional Provident Fund Commissioner,
Sub Regional Office,
No.66, Water Tank Road,
Nagercoi-629 001.

2.The Assistant Provident Fund Commissioner,
Sub Regional Office,
No.66, Water Tank Road,
Nagercoil-629 001.



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MUMMINENI SUDHEER KUMAR, J.

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