



WP(MD)No.25992 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.25992 of 2019
and
WMP(MD)No.22499 of 2019**

M/s.Ramanathapuram District Co-operative
Spinning Mills Ltd, RH.153,
Achankulam via Kamuthi Taluk,
Ramanathapuram District,
Through its President

...Petitioner

Vs

Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office,
Lady Doak College Road, Chokkikulam,
Madurai – 625002, Madurai District.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari to call for the records from the file of the 1st respondent herein the order / notice issued in Notice of Demand to the Defaulter in RRC No.MD/MDu/002050673/01/2003/RECY/2019 in Form No.EPFCP-1, dated 31.05.2019 claiming damages to the tune of Rs.6,73,530/- for the claim period from 03/1997 to 02 /1998 after lapse of more than 20 years from the date of claim and to quash the same.



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For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.John Xavier

ORDER

The petitioner co-operative spinning mill is covered under the Employees Provident Fund and Miscellaneous Provident Funds Act [herein after shall be referred to as 'the EPF Act']. The petitioner mill has not paid the EPF contribution and therefore, the respondent PF authority has levied damages for a sum of Rs.99,38,832/- under Section 14(B) of the EPF Act for the period from March 1998 to June 2003 and the same is challenged by the petitioner mill in this writ petition.

2. When this writ petition has been taken up for hearing, the learned counsel on either side submit that the issue has already been settled by the Division Bench of this court in WA(MD)No.228 of 2011, dated 07.03.2014. The petitioner mill has challenged the similar order passed under Section 14(B) of the EPF Act for the period from March 1997 to February 1998 in WP(MD)No.2514 of 2007 and the same was dismissed. As against the same, the petitioner mill filed a writ appeal in WA(MD)No.228 of 2011, which was taken up along with other similar



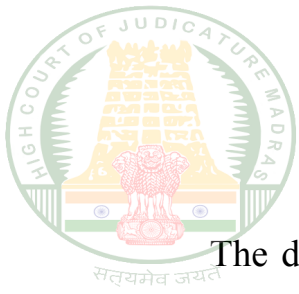
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writ appeals. The petitioner mill became defunct in the year 2003 and this was considered by the Division Bench, while deciding the orders passed under Section 14(B) of the EPF Act as against this petitioner mill and other establishments. The writ appeals were allowed by order dated 07.03.2014 by setting aside the orders levying damages and the petitioner mill was permitted to pay 25% of the ordered amount.

3.The learned counsel for the petitioner submits that pursuant to the orders of the Division Bench, the petitioner mill has paid a sum of Rs.25,62,188/-. This according to the petitioner is for the damages levied by the respondent authority for the period March 1998 to June 2003 also. However, it has been disputed by the learned counsel for the respondent.

4.This court has considered the rival submissions made.

5.The petitioner mill is covered under the EPF Act. The mill became defunct in the year 2003. In the similar order passed by the respondent authority under Section 14(B) of the EPF Act, the Division Bench has passed an order to pay 25% of the ordered amount.



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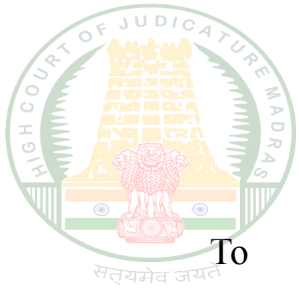
The damages levied for the period from March 1997 to February 1998, which is the subject matter in WA(MD)No.228 of 2011 is only Rs.6,73,530/-. However, the petitioner mill has paid a sum of Rs.25,63,189/- towards the damages under Section 14(B) of the EPF Act, including the damages for March 1998 to June 2003.

6.The damages for the period from March 1998 to June 2003 is Rs.99,38,832/- and the damages for the period from March 97 to February 2008 is Rs.6,73,530/- and the total amount is Rs.1,06,12,362/-, 25% of which is Rs.26,53,090/-. The petitioner mill has already paid a sum of Rs.25,63,189/- and the balance amount is Rs.89,901/-.

7.Since the petitioner mill has been revived now, the petitioner mill has to pay the balance amount of Rs.89,901/- on six monthly equal installments commencing from November 2025. Accordingly this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No
DSK



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To

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The Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office,
Lady Doak College Road, Chokkikulam,
Madurai – 625002, Madurai District.



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B.PUGALENDHI.J.,

DSK

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