

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 15TH DAY OF MARCH 2022 / 24TH PHALGUNA, 1943

WP(C) NO. 6574 OF 2022

PETITIONER:

M/S.FOREST INDUSTRIES (TRAVANCORE) LTD.
THAIKKATTUKARA P.O, ALUVA, PIN - 683106, REPRESENTED BY
THE MANAGING DIRECTOR, SMT. INDHU VIJAYAN N.

BY ADV K.K.RAZIYA

RESPONDENTS:

- 1 THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION, BHAVIHSYANIDHI
BHAVAN, KALOOR, KOCHI - 682017.
- 2 STATE BANK OF INDIA,
ALUVA CATHOLIC CENTRE BRANCH - 70147, P.B.NO.3,
CATHOLIC CENTRE, RAILWAY STATION ROAD, ALUVA, PIN -
683101, REPRESENTED BY CHIEF MANAGER.

BY ADV SRI.THOMAS MATHEW NELLIMOOTTIL,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is a public undertaking under the Government of Kerala. The first respondent has issued Ext.P1 notice under section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act') directing the petitioner to remit an amount of Rs.26,46,911/- towards EPF contribution. Since the petitioner defaulted payment of the said amount, proceedings under sections 8B to 8G of the Act was initiated. Pursuant thereto, the second respondent issued Ext.P2 by which the bank account of the petitioner has been frozen. According to the petitioner, due to the financial crisis faced by the company, it is not in a position to pay the amount covered by Ext.P1, in lumpsum. The limited prayer of the petitioner is for a direction for payment of the amount covered by Ext.P1, in installments.

2. This Court, by order dated 28.02.2022, directed the petitioner to deposit an amount of Rs.2.5 lakhs to show the bona fides of the petitioner. The learned counsel for the petitioner as well the learned standing counsel for the Bank submits that the petitioner has

deposited an amount of Rs.2,78,926/- pursuant to order dated 28.02.2022.

Having heard the learned counsel for the petitioner and Sri.M.Jithesh Menon, the learned standing counsel for the Bank, I feel that interest of justice will be met if the petitioner is permitted to pay the balance amount due under Ext.P1 in ten equal monthly installments commencing from 10.04.2022. It is ordered accordingly. Since the petitioner has already paid the amount directed to be paid by this Court as per order dated 28.02.2022, the petitioner shall be permitted to operate the bank account referred to in Ext.P2. In case the petitioner defaults payment of any of the installments as aforesaid, the first respondent will be entitled to recover the entire amount due from the petitioner.

Writ petition is disposed of as above.

Sd/ -

**MURALI PURUSHOTHAMAN
JUDGE**

APPENDIX OF WP(C) 6574/2022

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF THE PROCEEDINGS DATED 4.7.2020 ISSUED BY THE 1ST RESPONDENT.
Exhibit P2	TRUE COPY OF THE ORDER DATED 22.02.2022 ISSUED BY THE 2ND RESPONDENT.

spc/