

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 16TH DAY OF MARCH 2022 / 25TH PHALGUNA, 1943

WP(C) NO. 30376 OF 2021

PETITIONER:

MALABAR MEDICAL COLLEGE HOSPITAL & RESEARCH CENTRE,
(A UNIT OF SREE ANJANEYA MEDICAL TRUST),
MODAKKALLUR, ULLIYERI, KOZHIKODE, PIN 673 323,
REPRESENTED BY ITS CHAIRMAN V ANILKUMAR.

BY ADVS.
S.VINOD BHAT
ANAGHA LAKSHMY RAMAN
GREESHMA CHANDRIKA.R

RESPONDENT/S:

- 1 EMPLOYEES PROVIDENT FUND ORGANISATION - EPFO,
MINISTRY OF LABOUR AND EMPLOYMENT,
GOVERNMENT OF INDIA, REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN, ERANHIPALAM P.O,
KOZHIKODE , PIN 673 006.,
REPRESENTED BY REGIONAL P.F. COMMISSIONER.
- 2 THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, ERANHIPALAM
P.O, KOZHIKODE , PIN-673 006
- 3 THE ASSISTANT PROVIDENT FUND COMMISSION,
(RECOVERY OFFICER), REGIONAL OFFICE
BHAVISHYANIDHI BHAVAN, ERANHIPALAM P.O,
KOZHIKODE, PIN 673 006.
- 4 ENFORCEMENT OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
ERANHIPALAM P.O, KOZHIKODE, PIN 673 006.

BY ADV ABRAHAM P.MEACHINKARA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is a Medical College hospital and an establishment under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short). Since the petitioner had committed default in payment of the contributions under Section 7A of the Act, proceedings under Sections 8B to 8G of the Act were initiated against the petitioner and later, proceedings under Section 8F of the Act were initiated vide Ext.P9. The petitioner submits that as evident from Ext.P7, an amount of Rs.87,48,313/- is still due for payment pursuant to the determination under Section 7A of the Act. The petitioner approached the respondent for payment of the balance amount due in installments. However, the 1st respondent imposed certain conditions by Ext.P3 and the petitioner found it

difficult to agree to those conditions. Accordingly, the petitioner has filed this writ petition to quash Ext.P7 letter and Ext.P9 order of the 3rd respondent. The further prayer of the petitioner in the writ petition is for payment of the amounts due in installments.

2. This Court, on 28.02.2022 directed the petitioner to deposit an amount of Rs.10,00,000/- to show the *bona fides* of the petitioner. The amount was directed to be paid within one week, which was later extended by this Court by order dated 14.03.2022. The petitioner has remitted the said amount on 14.03.2022.

3. The limited prayer of the petitioner is for payment of the amount of Rs.87,48,313/- in equal monthly installments.

4. Heard Sri.Vinod Bhat, the learned Counsel for the petitioner and Sri.Abraham P.Meachinkara, the learned Standing Counsel for the respondents.

5. Sri.Vinod Bhat, the learned Counsel for the petitioner prays that the petitioner may be permitted to pay the entire dues in 20 equal monthly installments, taking note of the financial crunch due to Covid-19 pandemic.

6. Taking note of the fact that the petitioner is not disputing the liability to pay the amount, the situation faced on account of the pandemic, interest of justice will be met, if the petitioner is permitted to pay the amount of Rs.87,48,313/- in 16 equal monthly installments, commencing from 01.04.2022, after giving credit to Rs.10,00,000/- already paid, pursuant to the order of this Court. It is so ordered. In case the petitioner defaults in payment of any of the installments as aforesaid, the respondents will be free to recover the entire amounts due. In order to facilitate the petitioner to make payments as aforesaid, Exts.P7 and P9 proceedings shall

be kept in abeyance.

The writ petition is disposed of with the above directions.

**Sd/-
MURALI PURUSHOTHAMAN
JUDGE**

SB/16/03/2022

APPENDIX OF WP(C) 30376/2021

PETITIONER EXHIBITS

- Exhibit P1 COPY OF PROCEEDINGS/ORDER NO. KR/KK/23652/ENF. I(4)/2018-19/4272 DATED 31.08.2018 OF THE 2ND RESPONDENT.
- Exhibit P2 COPY OF LETTER NO. MMC AND RC/EPF-REQ/2021 DATED 14.07.2021 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.
- Exhibit P3 COPY OF LETTER NO. KR/KKD/RECOVERY/23652/INSTALLMENT/2021-22/74 DATED 05.10.2021 ISSUED BY 3RD RESPONDENT.
- Exhibit P4 COPY OF LETTER DATED 12.11.2021 SENT BY THE PETITIONER BY E-MAIL TO THE 3RD RESPONDENT (WITH ENCLOSURE) .
- Exhibit P5 COPY OF LETTER NO. MMC & RC/LTR-EPF/DM-2021 DATED 12.11.2021 SENT BY THE PETITIONER TO 4TH RESPONDENT.
- Exhibit P6 COPY OF LETTER NO. MMC&RC/LTR-EPF/7A 2021 DATED 15.11.2021 SENT BY THE PETITIONER TO TH2 2ND RESPONDENT.
- Exhibit P7 COPY OF LETTER NO. KR/KKD/RECOVERY/23652/INSTALLMENT/2021-22 DATED 01.12.2021 SENT BY THE 3RD RESPONDENT.
- Exhibit P8 COPY OF CERTIFICATE DATED 15.05.2021 ISSUED BY DISTRICT COLLECTOR, KOZHIKODE.
- Exhibit P9 COPY OF ORDER NO. KR/KKD/23652/RECOVERY/ENG. S(4) 2021-22 DATED NIL OF THE 3RD RESPONDENT.