



**W.P(MD)No.18163 of 2026**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 02.07.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.18163 of 2026**

Central Board of Trustees,  
Represented through the Regional  
Provident Fund Commissioner-II,  
Employees Provident Fund Organisation,  
Bhavishya Nidhi Bhavan,  
NGO Colony,  
Tirunelveli – 627 007.

... Petitioner

Vs

1.M/s.Indian Missionary Society,  
11-B, Trivandrum Road,  
Palayamkottai,  
Tirunelveli - 627 002.

2.The Presiding Officer,  
Employee's Provident Fund Appellate Tribunal,  
C.G.I.T cum Labour Court,  
Chennai - 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to  
issue a Writ of Certiorari, calling for the records pertaining to the impugned



**W.P(MD)No.18163 of 2026**

WEB COPY

order of the second respondent i.e. C.G.I.T cum EPF Appellate Tribunal, Chennai in EPFA No.02 of 2019 dated 18.11.2025 and quash the same by confirming the order passed by the Regional Provident Fund Commissioner, Tirunelveli under Section 14B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 in his vide proceedings No.CB/TNY/1671822/14B/1061(2018)PDC(1)51104/2018 dated 20.07.2018.

For Petitioner : Mr.A.John Xavier

### **ORDER**

Challenging the order dated 18.11.2025 passed by the second respondent in E.P.F.A.No.02 of 2019, confirming the order dated 20.07.2018 passed by the Regional Provident Fund Commissioner, Tirunelveli, under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the petitioner has filed the present Writ Petition.

2.The learned counsel appearing for the petitioner submitted that the first respondent/M/s.Indian Missionary Society, Tirunelveli, had been granted exemption from the applicability of the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, by Notification



**W.P(MD)No.18163 of 2026**

WEB COPY

No.S.O.1431 dated 14.05.2010. The said exemption remained in force up to 31.03.2015 and automatically lapsed with effect from 01.04.2015, as the Central Government did not extend the exemption for the subsequent period.

3.It is further submitted that, consequent upon the lapse of the exemption, the first respondent establishment was allotted Code No.MD/TNY/1671822. Since the first respondent failed to remit the provident fund contributions for the periods from April 2015 to March 2016 and from April 2017 to February 2018, proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, were initiated and the dues payable by the establishment were determined. Thereafter, for the delayed payment of the said dues, proceedings were initiated under Section 14B of the Act for levy of damages and under Section 7Q of the Act for interest. By order dated 20.07.2018, damages amounting to Rs.55,84,607/- were levied. Aggrieved by the said order, the first respondent preferred an appeal before the second respondent/Appellate Tribunal in E.P.F.A.No.02 of 2019. By the impugned order dated 18.11.2025, the



**W.P(MD)No.18163 of 2026**

WEB COPY

Appellate Tribunal reduced the damages to 30% of the amount originally levied. Challenging the said order, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner submitted that paragraph 32A of the Employees' Provident Fund Scheme, 1952 prescribes the rates at which damages are to be levied for delayed remittance of provident fund contributions. According to the learned counsel, though the authority has discretion to determine the quantum of damages within the limits prescribed under paragraph 32A, it has no jurisdiction to waive or substantially reduce the damages on equitable considerations. It is his contention that the Appellate Tribunal, contrary to the statutory scheme, arbitrarily reduced the damages to 30% without any legal basis. Hence, the impugned order is liable to be set aside.

5.Since no adverse order is proposed to be passed against the first respondent, notice to the first respondent is dispensed with.



**W.P(MD)No.18163 of 2026**

WEB COPY

6.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

7.A perusal of the records reveals that proceedings under Section 7A of the Act culminated in the determination of provident fund dues amounting to Rs.3,76,06,759/-. Consequent thereto, damages of Rs.55,84,607/- were levied under Section 14B of the Act on account of delayed remittance of contributions. Challenging the said order, the first respondent preferred E.P.F.A.No.02 of 2019 before the second respondent/Appellate Tribunal.

8.Before the Appellate Tribunal, the first respondent contended that there was no deliberate or wilful default in remitting the provident fund contributions. It is pointed out that the first respondent establishment had enjoyed statutory exemption up to 31.03.2015 and that the exemption came to an end only with effect from 01.04.2015. It is further contended that the consequential proceedings created practical difficulties in immediately

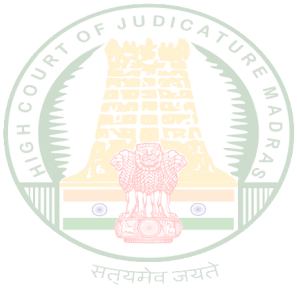


**W.P(MD)No.18163 of 2026**

WEB COPY

complying with the statutory requirements and that the delay in remittance was neither intentional nor attributable to any mala fide conduct. Taking note of the said mitigating circumstances, the Appellate Tribunal came to the conclusion that the maximum damages originally imposed required reconsideration.

9.This Court also finds that the original order dated 20.07.2018 does not advert to the mitigating circumstances relied upon by the first respondent. The show cause notice issued under Section 14B of the Act read with paragraph 32A of the Employees' Provident Fund Scheme pertained to the periods from April 2015 to March 2016 and from April 2017 to February 2018. The Appellate Tribunal has considered the peculiar facts of the case, particularly the lapse of the exemption and the circumstances leading to the delayed compliance, and has exercised its appellate jurisdiction to reduce the damages.



**W.P(MD)No.18163 of 2026**

WEB COPY

10.This Court does not find any perversity, illegality, or jurisdictional error in the exercise of discretion by the second respondent/Appellate Tribunal warranting interference under Article 226 of the Constitution of India. The reasons assigned by the Appellate Tribunal for reducing the damages constitute valid mitigating circumstances and cannot be said to be arbitrary or contrary to law.

11.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

**02.07.2026**

NCC : Yes / No  
Index : Yes / No  
ps

To

The Presiding Officer,  
Employee's Provident Fund Appellate Tribunal,  
C.G.I.T cum Labour Court,  
Chennai - 600 006.



WEB COPY



**W.P(MD)No.18163 of 2026**

**M.DHANDAPANI, J.**

ps

**W.P(MD)No.18163 of 2026**

**02.07.2026**