

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

Contempt Petition No.478 of 2015

The Recovery Officer
Employees' Provident Fund Organisation
Regional Office
No.3, Rajaji Salai
Tambaram
Chennai 600 045

Petitioner

vs.

1 Mr. Venkatesh Bhardwaj
Deputy General Manager
State Bank of India
Stressed Asset Management Branch
No.32, Red Cross Buildings
Montieth Road
Egmore, Chennai 600 008

2 Mr. M.S. Dhandapani
Assistant General Manager
State Bank of India
Stressed Asset Management Branch
No.32, Red Cross Buildings
Montieth Road
Egmore, Chennai 600 008

Respondents

Contempt Petition filed under Section 11 of the

Contempt of Courts Act, 1971, seeking to punish the

<https://hcservices.ecourts.gov.in/hcservices/>

respondents for having committed contempt of Court by

wilfully dis-obeying the order dated 17.09.2013 passed in W.P. No.14440 of 2013.

For petitioner: Mr. K. Ramu

ORDER

(Order of the Court was made by **SATISH K. AGNIHOTRI, J.**)

The instant contempt petition is filed seeking proceedings against the respondents for having committed contempt of this Court by non-compliance of the order dated 17.09.2013 passed in W.P. No.14440 of 2013.

2 According to the learned counsel for the petitioner, a Division Bench of this Court, while disposing of the aforesaid writ petition by order dated 17.09.2013, after extracting from the letter dated 06.09.2013 of the Recovery Officer, Employees' Provident Fund Organisation, permitted State Bank of India, the petitioner therein, to take action subject to the condition imposed in the said letter, i.e., "*State Bank of India shall complete the sale process within 3 months and deposit the entire amount of Provident Fund dues, Interest under Section 70, damages under Section 14B and cost towards recovery to the EPFO.*"

Despite clear undertaking, State Bank of India, the petitioner therein, could not sell the property. Thereafter, State Bank of India had transferred the secured asset to M/s. J.M. Financial Assets Reconstructions Company Pvt. Ltd. on 26.03.2014 and as such, the present petitioner in the contempt petition could not recover the dues of Provident Fund from State Bank of India. It is a clear case of dis-obedience as the sale could not be completed within three months and State Bank of India ought to have sought further time for disposal of the property by auction sale and by transferring the said property to an Assets Reconstruction Company, State Bank of India has committed contempt.

3 It is the case of the petitioner that the sale could not be complete. But, nothing seems to be deliberate on the part of State Bank of India. Thus, no case of contempt is made out in the instant petition filed after a long delay. However, we give liberty to the petitioner to take recourse to legal provisions, as available under the statute, for recovery of the Provident Fund dues from State Bank of India.

4 This Contempt Petition stands disposed of accordingly.

cad

SD/

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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KMV/05/05/2015

To

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Employees' Provident Fund Organisation
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Chennai 600 0451

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