

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.SIVAGNANAM

W.P.No.1553 of 2015

a n d

M.P.No.1 of 2015

M/s.Sai Supreme Textiles Pvt Ltd
rep. By its Authorised Signatory
Sai Ramanath House
RS No.15/13 to 15/15
Vazhuhavoor Road
Kurumbapet
Puducherry 605 009. Petitioner

Vs

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Sub-Regional Office
No.101, 100 feet Road
Sree Venni Commercial Complex
Chollan Nagar
Olandaikeerapalayam
Puducherry 605 004. Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records and quash the order bearing No.PDC/PC/1550/Regl/2014 (Damages) dated 29/9/2014 passed by the respondent, Regional Provident Fund Commissioner - II, Sub-Regional Office, No.101, 100 feet Road, Sree Venni Commercial Complex, Chollan Nagar, Olandaikeerapalayam, Puducherry 605 004.

For petitioner ... M/s.Gupta and Ravi

For respondents ... Mr.K.Ramu

O R D E R

With the consent of both parties, the writ petition is taken up for final disposal.

2. Heard the learned counsel for the petitioner and Mr.K.Ramu for the respondent.

3. The petitioner, seeks to quash the order bearing No.PDC/PC/1550/Regl/2014 (Damages) dated 29/9/2014 passed by the respondent, Regional Provident Fund Commissioner.

4. The petitioner is a Company, registered under the Companies Act and the challenge is to an order passed under Section 14 B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 dated 29th September 2014.

5. As rightly pointed out by the learned counsel for the respondent/Employees Provident Fund Organisation that the petitioner has failed to appear before the appellate authority and in spite of repeated indulgence granted by the authority, the petitioner employer did not represent the matter. This shows the manner in which the petitioner conducted themselves before the statutory authority has to be deprecated.

6. Be that as it may, the dues have been quantified at Rs.14,73,070/- in communication dated 3rd December 2014.

7. Admittedly, the petitioner has an effective alternative remedy by filing an appeal before the appropriate authority. The petitioner would say that since the appellate tribunal was not working at the relevant point of time. However, there is nothing on record to prove the same and this writ petition was filed on 21st January 2015.

8. In view of the above, this Court is not inclined to entertain the writ petition and the writ petition is dismissed as not maintainable. However, pursuant to the interim orders granted by this Court, the petitioner has paid Rs.7,50,000/- and the remaining remains unpaid. Hence, while dismissing the writ petition, liberty is granted to the writ petitioner to file an appeal before the appellate tribunal and two weeks time is granted to the petitioner to approach the appellate authority

and for a period of two weeks, i.e., from the date of receipt of a copy of this order, no coercive action shall be initiated against the petitioner by the respondent. If however, if an appeal is not preferred within a period of two weeks, as directed above, the respondent is entitled to proceed in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

True Copy

Sub Assistant Registrar

To

Regional Provident Fund Commissioner - II
Employees Provident Fund Organisation
Sub-Regional Office
No.101, 100 feet Road
Sree Venni Commercial Complex
Chollan Nagar
Olandaikeerapalayam
Puducherry 605 004.

+1cc to M/S.Gupta & Ravi, Advocate Sr.60939

W.P.No.1553 of 2015

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srg 17/11/2015

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