

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.35006 of 2014 &
M.P.No.1 of 2014

Source HOV India Private Limited
(Formerly known as Lason India Limited)
Dowlath Towers, 6th, 8th to 11th Floors
59, 61 and 63 Taylors Road
Kilpauk, Chennai 600 010
Rep by its Deputy General Manager

.. Petitioner

v.

1.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
37 Royapettah High Road
Chennai 600 014.

2.The Presiding Officer
Employees Provident Fund Appellate Tribunal
Scope Minar, 4th Floor
Core-2, Laxmi Nagar
Delhi 110 092.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the first respondent from taking any recovery proceedings in terms of the order dated 10.10.2014 (received by the petitioner on 11.12.2014) in Proceedings No.TN/(36395/23/MAS/PDC/2014 till the appeal is taken up for hearing by the 2nd respondent Tribunal.

For Petitioner : Mr.Anand Gopalan for M/s.T.S.Gopalan & Co.
For Respondents : Mr.A.P.Surya Prakasam - for R1
Tribunal - R2

ORDER

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

2. The petitioner Company has filed the above writ petition to issue a writ of mandamus forbearing the first respondent from taking any recovery proceedings in terms of the order dated 10.10.2014 till the appeal is taken up for hearing by the 2nd respondent Tribunal.

3. Since there was no Presiding Officer in the second respondent Tribunal, the petitioner Company has filed the writ petition before this Court. This Court admitted the writ petition and granted an order of interim stay on 30.12.2014.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that till the second respondent Tribunal takes up the stay petition filed by the petitioner Company, the first respondent may be restrained from taking any steps for recovery of proceedings in terms of the order dated 10.10.2014.

5. Since there is no Presiding Officer available in the second respondent Tribunal at present, I direct the first respondent not to take any recovery proceedings in terms of the order dated 10.10.2014 till the stay petition filed by the petitioner in ATA No.1376(13) of 2014 is taken up for hearing by the second respondent Tribunal.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1.The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
37 Royapettah High Road
Chennai 600 014.

2.The Presiding Officer
Employees Provident Fund Appellate Tribunal
Scope Minar, 4th Floor
Core-2, Laxmi Nagar
Delhi 110 092.

1 cc to Mr. N.Sonthash Nagaraja, Advocate, SR.No.5842

1 cc to Mr. T.S.Gopalan & Co.,, Advocate, SR.No.5690

W.P.No.35006 of 2014

rsy(co)
pmk.19.2.2015