

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2377 of 2016 & 22018 of 2015

W.M.P.Nos.2065 & 2066 of 2016

M/s.Hotel Leela Venture Ltd.,
Rep.by its Authorised Signatory
Financial Controller, Unit: The Leela Palace Chennai
Adyar Seaface,
MRC Nagar,
Chennai-600 028. ...Petitioner in both W.Ps

vs.

1. Union of India,
Rep.by its Secretary,
Ministry of Labour and Employment,
Government of India,
New Delhi-110 001. ...R1 in both W.Ps
2. The Assistant Regional Provident Fund Commissioner,
Regional Office,
37, Royapettah High Road,
Chennai-600 014. ... R2 in W.P.No.2377 of 2016
3. The Regional Provident Fund Commissioner,
Regional Office,
37, Royapettah High Road,
Chennai-600 014. ... R2 in W.P.No.22018 of 2015

PRAYER IN W.P.No.2377 of 2016: Writ Petition filed under Article

226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Assessment Order passed by the second respondent, Assistant Regional Provident Fund Commissioner, Chennai bearing No.CHN/CC-3/26/TN/84775/Enf/Regl/15 dated 30.10.2015 and quash the same.

PRAYER IN W.P.No.22018 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Assessment Order passed by the second respondent, Regional Provident Fund Commissioner, Chennai bearing No.CHN/CC-3/26/TN/84775/Enf/Regl/15 dated 12.06.2015 and quash the same.

For Petitioner : Mr.R.Sathish Kumar
in both W.Ps

For Respondents : M/s.S.S.Meenakumari
in both W.Ps for R1.
Mr.V.Sundareswaram
for R2.

COMMON ORDER

The learned counsel appearing for the writ petitioner fairly made a submission that the liability of the petitioner to pay contribution as demanded is confirmed by the Courts and that already, 25% of the demanded amount is paid and they are willing to pay the balance amount.

2. In view of the fact that the rights and liabilities of the writ petitioner has already been crystallized by the Judgment of the Hon'ble Supreme Court of India in **C.A.No.6221 of 2011 dated 28.02.2019 reported in AIR 2019 SC 1240**. The writ petitioner is bound to settle the contribution as demanded.

3. In this view of the matter, the writ petitioner is granted three months time to deposit the balance amount to the respondents. If the balance is not paid within a period of three months, thereafter the respondents are at liberty to proceed against the petitioner by following the procedure contemplated under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

4. Accordingly, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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20.09.2019

ssb

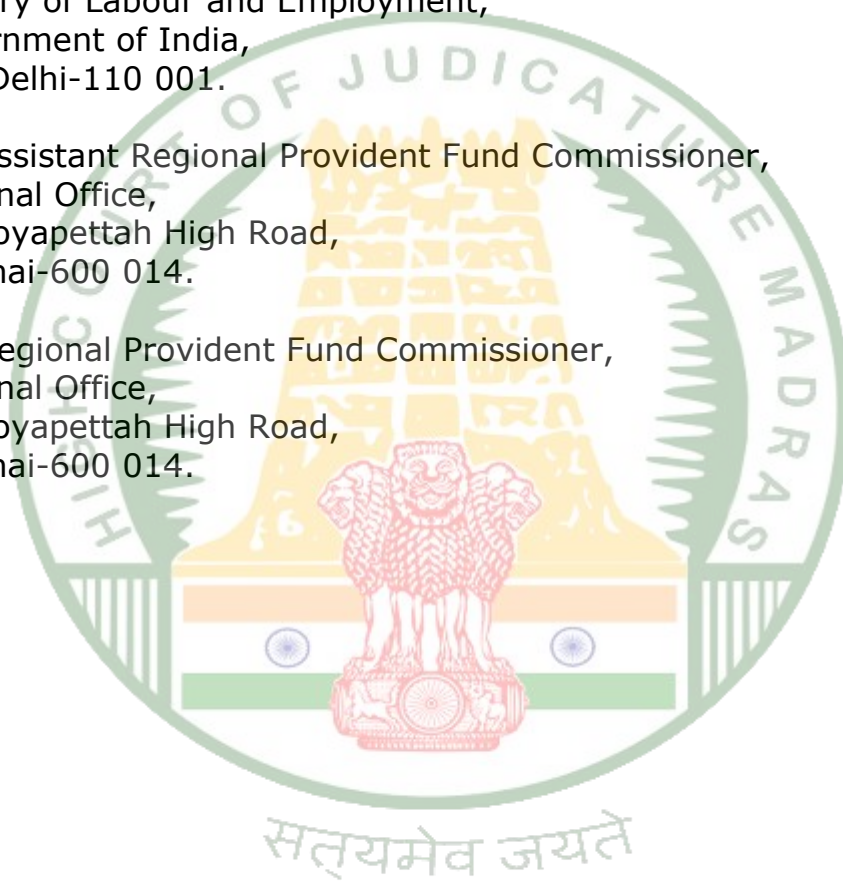
Index : Yes/No

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Internet:Yes/No
Speaking Order/Non-speaking Order

To

1. Union of India,
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Ministry of Labour and Employment,
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New Delhi-110 001.
2. The Assistant Regional Provident Fund Commissioner,
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37, Royapettah High Road,
Chennai-600 014.
3. The Regional Provident Fund Commissioner,
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WP.No.2377 of 2016 & 22018 of 2015

S.M.SUBRAMANIAM ,J.

ssb



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