

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.20653 of 2012
and
M.P.Nos.1 and 2 of 2012

M/s.Excellent Engineers,
SP-130, 3rd Main Road,
Ambattur Industrial Estate,
Chennai - 600 058,
rep. by its Managing Partner,
Maickel Rayappa.

... Petitioner

vs.

1.Recovery Officer &
Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Sub-Regional Office, Ambattur,
R-40, A-1, TNHB Shopping-Cum-Office Complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.

2.Enforcement Officer,
Employees' Provident Fund Organisation,
Sub-Regional Office, Ambattur,
R-40, A-1, TNHB Shopping-Cum-Office Complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.

3.The Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organisation,
Sub-Regional Office, Ambattur,
R-40, A-1, TNHB Shopping-Cum-Office Complex,
Mugappair Road, Mugappair East,
Chennai - 600 037.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in connection with the impugned orders TN/SRO/Amb/36979/CC-I/A-1/2012, dated 29.02.2012, and TN/SRO/AMB/36979/RRC-4708/Area-

1/2012 dated 10.07.2012 issued by the first respondent herein and quash the same.

For petitioner : Dr.R.Sampath Kumar

For respondents : Mr.K.Ramu,
Standing Counsel for respondents

ORDER

Heard the learned counsels appearing for the parties concerned.

2. This Writ Petition has been filed challenging the order passed by the first respondent / Recovery Officer and Assistant Provident Fund Commissioner, Employees' Provident Fund Organisation, Sub-Regional Office, Ambattur, dated 29.02.2012, and the consequential notice of demand issued to the petitioner, dated 10.07.2012.

3. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the respondents had pointed out that an alternative remedy is available to the petitioner, to challenge the impugned order, by filing a Review Application, under Section 7-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

4. In view of the said submission made by the learned counsel appearing on behalf of the respondents, the petitioner is permitted to submit a Review Application, before the appropriate authority, under Section 7-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within a period of four weeks from the date of receipt of a copy of this order. On such Application being filed, the authority concerned shall consider the same and pass appropriate orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and without raising the issue of delay in filing the said Application, within a period of four weeks, thereafter. Further, the respondents shall not initiate any coercive steps against the petitioner till the Review Application is disposed of, as directed by this Court.

5. The Writ Petition is disposed of, with the above direction. No costs. Connected M.P.Nos.1 and 2 of 2012 are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

asvm

To

- 1.Recovery Officer &
Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Sub-Regional Office, Ambattur,
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+1 cc to Mr.Dr.R.Sampath Kumar Advocate sr.58142

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