

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3985 of 2015 &
M.P.No.1 of 2015

M/s Sri Velavan Motors
No.45 Arcot Road
Virugambakkam, Chennai 92.

.. Petitioner

v.

1. Employees Provident Fund Organisation
Rep. by Enforcement Officer, CC-II/D-21 Ministry
of Labour and Employment
Government of India
37, Royapettah High Road, Chennai 14.

2. The Asst. Provident Fund Commissioner
Employees Provident Fund Organisation
Ministry of Labour and Employment
Government of India
37, Royapettah High Road, Chennai 14.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to forbear from initiating any coercive action based on the 2nd respondent's order dated 14.01.2015, until the expiry of the period of limitation for filing the appeal or until such time the appeal filed by the Petitioner firm is disposed of in accordance with law, whichever is later.

For Petitioner : Mr.N.Vijayakumar
For Respondents : Mrs.V.J.Latha

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to forbear from initiating any coercive action based on the second respondent's order dated 14.01.2015 until the expiry of period of limitation for filing the appeal or until such time the appeal is disposed of in accordance with law, whichever is later.

2. It is the case of the petitioner that since there is no Presiding Officer in the Provident Fund Tribunal at New Delhi, it is not in a position to file a statutory appeal before the Tribunal. In view of the same, the writ petition has been filed by the petitioner seeking for the above relief.

3. Mrs.V.J.Latha, learned counsel takes notice for the respondents.

4. It is not in dispute that the petitioner has got appellate remedy available under the Act under Section 7(i). Since there is no Presiding Officer in the Tribunal, the petitioner is not in a position to file the appeal and seek for interim relief in the appeal. By the impugned proceedings dated 14.01.2015, the second respondent demanded Rs.14,17,214/- towards damages.

5. Taking note of the fact that there is no Presiding Officer and the submission made by the learned counsel for the petitioner that the petitioner has got valid points in the appeal, I am inclined to keep the impugned order dated 14.01.2015 in abeyance, on condition the petitioner depositing 50% of the demand made before the second respondent within three weeks from the date of receipt of a copy of this order. Until the Tribunal is constituted, the order passed by the second respondent dated 14.01.2015 shall be kept in abeyance and the payment to be made by the petitioner shall also be taken into consideration by the Tribunal at the time of entertaining the appeal. On the deposit being made by the petitioner as stated above, the Bank accounts which were frozen by the respondents shall be released forthwith. It is needless to say that the petitioner shall deposit 50% of the demand made by the second respondent after deducting a sum of Rs.2,97,672.66, which was already paid by the petitioner.

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

gms

-s/d-
Assistant Registrar(CO)
Dt:18/2/2015

True Copy

Sub-Assistant Registrar

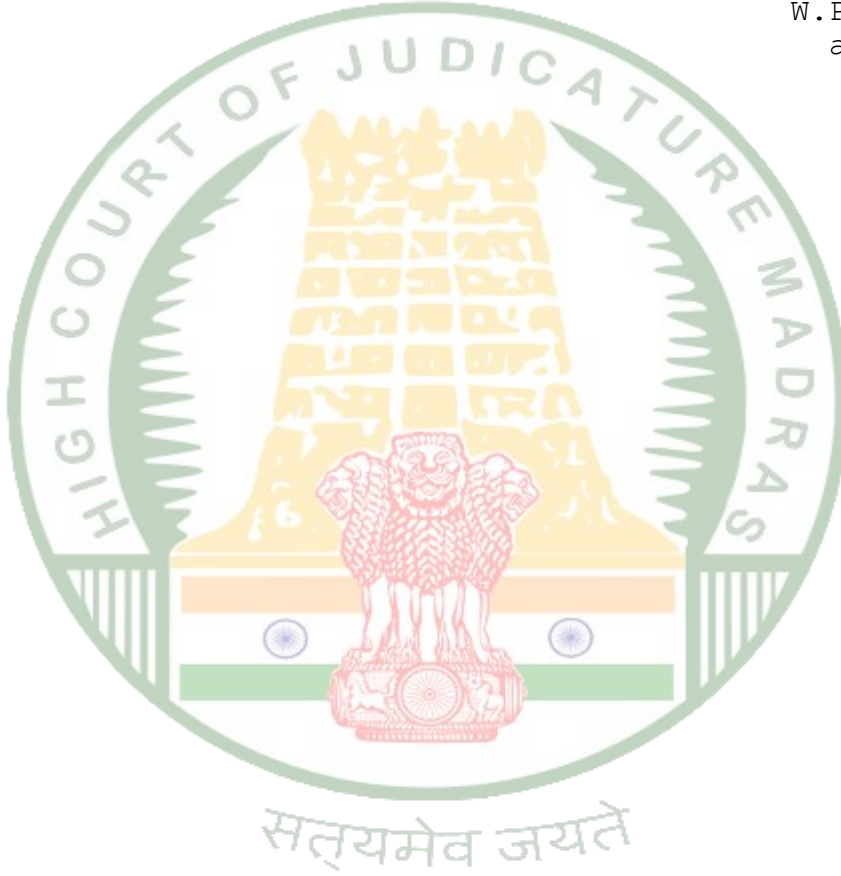
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+ 1 cc Mr.N.Vijaykumar, Advocate SR 8383

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