

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12073 OF 2016
AND WMP NO.10442 OF 2016

M/s.Titanium Equipment and Anode Mfg. Co. Ltd.,
Rep. By its Authorised Signatory
GST Road, Vandalur,
Chennai - 600 048.

.. Petitioner

Versus

1.The Regional Provident Fund Commissioner - II (C&R)
Regional Office - Tambaram
3, Rajaji Salai,
Chennai - 600 045.

2.M/s.IDBI Bank Limited
Rep. By its Asst. General Manager
115, Anna Salai, Saidapet,
Chennai - 600 015.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the 1st respondent from resorting or continuing with any coercive steps to enforce the order No.TB/TAM/RO/8597/Enf/T-8/2016 dated 01.03.2016 passed under Section 7A of the EPF Act including recovery / attachment of the amounts of the petitioner lying with the 2nd respondent.

For Petitioner : Mr.Sai Prasad
for M/s.Sai Raaj Associates
For Respondent-1 : Mr.K.Ramu

O R D E R

Heard Mr.Sai Prasad for M/s.Sai Raaj Associates, learned counsel appearing for the petitioner and Mr.K.Ramu, learned counsel appearing for the first respondent.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself. Considering the nature of the order this Court proposes to pass, notice to the second respondent is dispensed with.

3.The petitioner seeks for a writ of mandamus, to forbear the first respondent from resorting or continuing with any coercive steps to enforce the order No.TB/TAM/RO/8597/Enf/T-8/2016 dated 01.03.2016 passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, including recovery / attachment of the amounts of the petitioner lying with the second respondent.

4.Against the aforesaid order, the petitioner has filed an appeal and the appeal should have been heard by the Appellate Tribunal, Southern Tribunal, constituted under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. However, it appears that the Tribunal is not functioning. Though a Presiding Officer has been nominated, he is yet to take charge. It is brought to the notice of this Court that in respect of an identical issue, the matter was dealt with by the Honourable Supreme Court in W.P.(Civil) No.999 of 2014 dated 20.03.2015 and the Honourable Supreme Court has issued a general direction to the effect that in respect of the appeals that ought to have been filed at Bengaluru and are filed in Delhi, no coercive steps shall be taken in respect of the cases which are required to be preferred before the Southern Tribunal to be constituted at Bengaluru, for there is no authority who can take up the matter for grant of any interim relief. The undisputed fact is that the appeal preferred by the petitioner is to be called before the Delhi Appellate Tribunal on 04.04.2016.

5.The learned counsel for the petitioner submitted that the Delhi Appellate Tribunal only adjourns all these appeals sine die and no order are being passed. Therefore, it is submitted that an interim protection may be given till the Southern Tribunal becomes functional.

6.In the light of the above, the writ petition is disposed of by taking into consideration the direction issued by the Honourable Supreme Court and there will be a direction to the first respondent not to enforce the order dated 01.03.2016, till the appeal filed by the petitioner is heard by the Appellate Tribunal or the application for interim relief is taken up at the first instance, whichever is earlier. No costs.

Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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Chennai - 600 045.

2.M/s.IDBI Bank Limited
Rep. By its Asst. General Manager
115, Anna Salai, Saidapet,
Chennai - 600 015.

+ 1 cc to Mr. Ramu Advocate SR20042

+ 1 cc to M/s.Sai Raaj Associates SR 20061

W.P.NO.12073 OF 2016

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