

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.19398 of 2015

M/s.Booma Realty Private Ltd.,
Formerly known as M/s.Kongarar Textiles Ltd.,
represented by its Director
P.K.Ganeshwar,
No.21, Pollachi Road,
Palladam,
Tiruppur District ... Petitioner

Vs

1. Central Provident Fund Commissioner,
represented by Mr.K.K.Jalan,
Central PF Commissioner Office,
Bihiji Cama Place,
New Delhi.
2. The Regional PF Commissioner,
represented by Mr.O.K.Anil,
EPF Organisation,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18.
3. The Recovery Officer,
EPF Organisation,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to repay the interest and damages calculated and excessively collected for Rs.22,20,000/- for the period 20.10.2004 to 22.8.2008 from the petitioner within time frame fixed by this Court alongwith 12% interest per annum.

For Petitioner : Mr.S.Gunalan
For Respondents : Mr.R. Meenakshi,

ORDER

Petitioner establishment has filed this writ petition praying for issuance of Writ of Mandamus to direct the respondents to repay the interest and damages calculated and excessively collected for Rs.22,20,000/- for the period 20.10.2004 to 22.8.2008 from the petitioner within the time frame fixed by this Court.

2. Petitioner's case is based on an order passed by the Appellate Tribunal, under the Employees Provident Fund Act, by which the Appellate Tribunal has granted relief to the petitioner. The said order passed by the Appellate Tribunal was subject matter of challenge by the EPF organization by filing a writ petition in W.P.No.15569 of 2012 which was dismissed by a common order dated 19.02.2013 along with W.P.No.34966 of 2012. The respondent organization has now preferred an appeal as against the same before the Honourable Division Bench in Writ Appeal No.1286 of 2013 which is still pending. That apart, the learned counsel for the respondent organisation submits that there were earlier orders and the petitioner also filed an appeal against the same before the Tribunal. However, these facts need not be gone into at this stage, and it is suffice to note that the matter is now ceased of by the Honourable Division Bench, hence whatever relief the petitioner wants, he can plead in the pending appeal, since the correctness of the orders passed in writ petitions by order dated 19.2.2013 is being tested by the Hon'ble Division Bench.

3. Accordingly, writ petition is closed, leaving it open to the petitioner to move the Hon'ble Division Bench for appropriate order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msr

To

1. Mr.K.K.Jalan
Central Provident Fund Commissioner,
Central PF Commissioner Office,
Bihiji Cama Place,
New Delhi.

2. Mr.O.K.Anil
The Regional PF Commissioner,
represented by Mr.O.K.Anil,
EPF Organisation,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18.

3. The Recovery Officer,
EPF Organisation,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18.

+1 cc to Mr.S.Gunalan Advocate sr.16171

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