

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25870 of 2016

and

W.M.P. No. 24651 of 2016

M/s. Wichitra Auto Limited,
84/3, SIDCO Indl. Estate,
Ambattur,
Chennai – 600 098,
Rep. by its Director
Petitioner

...

-VS-

The Assistant Provident Fund Commissioner,
Sub Accounts Office, Ambattur,
R - 40A, TNHB Shopping-cum-Office Complex,
Mogappair Road, Mogappair (East),
Chennai – 600 037.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent from continuing with the proceedings initiated against the Petitioner under Section 7-A of the EPF Act vide Notice ref: No. TN/AMB/SRO/CC.I/A.2/35884/Summons/2016 dated 10.03.2016 till the pronouncement of the judgment by the Division Bench of this Court in W.A. Nos. 982, 985, 1026, 1343 and 1344 of 2011 and SLP Civil 8781-8782/12 Civil Appeal Nos. 3965-3966/2013 by the Hon'ble Supreme Court.

For Petitioner : Mr. Sai Prasath for M/s. Sai Raaj Associates

For Respondent : Mr. J.Sathyannarayanaprasad, Standing Counsel

ORDER
(through video conference)

Heard Mr. Sai Prasath, Learned Counsel for the Petitioner and Mr. J.Sathyannarayanaprasad, Learned Standing Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondent from continuing with the proceedings against the Petitioner pursuant to Notice No. TN/AMB/SRO/CC.I/A.2/35884/Summons/2016 dated 10.03.2016 under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, till the pronouncement of the Judgment by the Division Bench of this Court in W.A. Nos. 982, 985, 1026, 1343 and 1344 of 2011 and Civil Appeal Nos. 3965-3966 of 2013 by the Hon'ble Supreme Court of India.

3. It is informed by the Learned Counsel for both sides that the Hon'ble

Supreme Court of India in *Surya Roshini Ltd., -vs- Employees Provident Fund* (Order dated 28.02.2019 in Civil Appeal Nos. 3965-3966 of 2013) has made the authoritative pronouncement on the question involved in the matter. In view of the same, the Respondents shall proceed to determine the matter following the prescribed procedure after affording full opportunity of hearing to all persons concerned including the Petitioner, consider each of the contentions raised by the parties and pass reasoned orders on merits in accordance with law and communicate the decision taken to them under written acknowledgment.

4. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.09.2020

vjt

Index : Yes/No

Note: Issue order copy by 23.09.2020.

To

The Assistant Provident Fund Commissioner,
Sub Accounts Office, Ambattur,
R - 40A, TNHB Shopping-cum-Office Complex,
Mogappair Road, Mogappair (East),
Chennai – 600 037.

P.D. AUDIKESAVALU, J.

vjt



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