

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28815 of 2016

and

WMP Nos.20874 & 20875 of 2016

M/s.Emerald Engineering
represented by its
Deputy Managing Director Mr.P.Danaraj
41, Pudupakkam Village,
Kelambakkam-Vandalur Main Road,
Kancheepuram District. Petitioner

Vs

The Regional Provident Fund Commissioner-II (DDC)
(Ministry of Labour, Government of India)
Employees' Provident Fund Organisation,
Regional Office, No.3 Rajaji Salai,
Tambaram, Chennai - 600 045. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the records relating to the order undated of 7/2016 in proceedings No.TB/RO/TAM/PDC/60661/DIV/8/7Q/Interest/2016 passed by the respondent and quash the same.

For Petitioner : Mr.J.Pothiraj

For Respondent : Mr.Gunasekaran

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O R D E R

The petitioner is an industry engaged in the manufacture of steel components and fabrication. The contribution towards the employers provident fund has not been paid to the respondent within the stipulated time but the same was paid belatedly. Therefore, the respondent levied damages and interest by virtue of impugned order.

2. Mr.J.Pothiraj, learned counsel for the petitioner would submit that without even giving show cause notice, final order has been passed by the respondent determining interest to the tune of Rs.11,89,132/- and hence the same is liable to the quashed.

3. Heard Mr.Gunasekaran, learned standing counsel, who takes notice on behalf of the respondent.

4. Taking into consideration the fact that the impugned order has been passed without providing any opportunity to the petitioner by way of show cause notice, instead of quashing the said order, this court directs both the parties to treat the impugned order 7/2016 in proceedings No.TB/RO/TAM/PDC/60661/DIV/8/7Q/Interest/2016 passed by the respondent as show cause notice and the petitioner is directed to give his reply to the respondent within a period of two days from the date of receipt of a copy of this order. On receipt of the above said reply from the petitioner within the stipulated time, the respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of two (2) weeks thereafter.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Regional Provident Fund Commissioner-II (DDC)
(Ministry of Labour, Government of India)
Employees' Provident Fund Organisation,
Regional Office, No.3 Rajaji Salai,
Tambaram, Chennai - 600 045.

+1 cc to M/s.J.Pothiraj Advocate sr 47380

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