

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No. 5343 OF 2016

M/s. Apna Technologies & Solutions Pvt Ltd
having office at
E 10, Industrial Estate
Guindy, Chennai-600 032
Rep. by its Manager Mr. S.Ravi [PETITIONER]

Vs

- 1 The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, Tambaram,
Chennai-600 045.
- 2 The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, Tambaram,
Chennai-600 045. [RESPONDENTS]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the First Respondent to consider and pass orders on the petitioner's representation dated 10.04.2013, praying for reduction of damages imposed on the Petitioner Company by the Second Respondent in and by his proceedings in TB/RO/ TAM/62307/ Gr.54/PDC/2013 dated 06.02.2013 within a stipulated time to be fixed by this Court and further direct the First Respondent to keep all further proceedings pursuant to the said order of the Second Respondent in abeyance till the disposal of the said representation.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.K.Ramu
Standing Counsel

O R D E R

Heard Mr.P.Manoj Kumar, learned counsel for the petitioner and Mr.K.Ramu, learned Standing Counsel accepting notice for

respondents and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.The prayer sought for by the petitioner is to consider their representation dated 10.04.2013. In the said representation, the petitioner has virtually sought for revision of order of assessment already made by the authority.

3.As rightly submitted by the learned Standing counsel for the respondents, such revision cannot be done by the respondent authority and if at all the petitioner was aggrieved, he could have file an appeal against the said order.

4.Therefore, the grounds which have been raised by the petitioner which are appealable grounds, cannot be decided by the respondent authority and if there is any factual discrepancies, which might have been pointed out by the petitioner, which was not earlier made available, to that extent, the authority can consider the petitioner's representation.

5.Accordingly, the second respondent is directed to consider the petitioner's representation dated 10.04.2013, on merits and in accordance with law, to the extent indicated above and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. In respect of other grounds, it is open to the petitioner to approach the Appellate Forum.

The Writ Petition is disposed of accordingly. No costs.

rpa

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

- 1 The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, Tambaram, Chennai-600 045.
- 2 The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, Tambaram, Chennai-600 045.

+ 1 cc to Mr.K.Ramu, Advocate SR 9586

+ 1 cc to Mr.P.Manojkumar, Advocate SR 9518

msm(co)

prk22/2

W.P.No. 5343 OF 2016