

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18151 OF 2016

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ORDER:

This writ petition is filed against the notice dated 22.04.2016 issued by the 2nd respondent wherein the petitioner was asked to pay the arrears towards Contribution for Employees Provident Fund and in the absence of the same the properties of the petitioner's establishment-Kavitha Theatre, would be put to sale.

Learned counsel for the petitioner submits that the petitioner is not liable to pay the arrears and as per the award dated 07.11.2010 the respondents 3 to 6 are liable to pay the EPF arrears in respect of the theatre.

On the other hand, learned standing counsel for respondents 1 and 2 submits that the award dated 07.11.2010 is not binding on the authorities and it is inter se among the partners. He further submits that since the respondents failed to pay the amounts, the respondents are proceeding against the Theatre and the impugned notice also indicates the same.

In this case, the alleged arrears are statutory dues arising under the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952 and the award is between the parties and that the award cannot prohibit the authorities from realizing the dues liable as per the provisions of the Act. In view of the same, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. However, it is

open for the petitioner to avail other remedies provided under law.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending
in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.06.2016
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