

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No. 12114 of 2017

and

W.M.P.Nos. 12968 & 12969 of 2017

M/s. VTX Industries Ltd,  
Rep. By its HR Manager,  
Suresh Kumar

..Petitioner

Vs.

1. Central Provident Fund Commissioner,  
Central PF Commissioner Office,  
Bihjii Cama Place, R.K.Puram,  
New Delhi.
2. The Regional PF Commissioner,  
EPF Organization,  
Regional Office,  
Dr.Balasundaram Road,  
Coimbatore - 641 018.
3. The Assistant Provident Fund Commissioner,  
EPF Organization,  
Regional Office,  
Dr.Balasundaram Road,  
Coimbatore - 641 018.

..Respondents

Prayer: Writ petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records of the show cause notice of the 3<sup>rd</sup> respondent in Ref.No.TN/RO/CBE/1097/SCN/CC-5(25)/2015 dated 08.05.2015 and quash the same and consequently direct the 3<sup>rd</sup> respondent to adjust the excess amount remitted by the petitioner a sum of Rs.88,34,946/- towards PF dues payable by the petitioner management to the corresponding period.

For Petitioner : Mr.S.Gunalan

O R D E R

Challenging the show cause notice of the third respondent dated 08.05.2015 and for a consequential direction to adjust the excess amount remitted by the petitioner in a sum of Rs.88,34,946/- towards the P.F. dues payable by the petitioner for the corresponding period, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioner.

3.What is challenged is only a show cause notice by which the petitioner has been asked to show cause as to why the amount mentioned therein was not remitted by him. The petitioner is said to have given a reply to the said show cause notice. The enquiry was adjourned to 14.03.2017, as seen from the proceedings dated 28.02.2017.

4.In such view of the matter, the writ petition filed is not maintainable. The petitioner has to wait for the final adjudication and thereafter work out the remedy under the statute.

5. Accordingly, the writ petition shall stand disposed by directing the 3<sup>rd</sup> respondent to pass appropriate final orders pursuant to the communication dated 28.02.2017, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

mmi/gsa

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To

1. The Central Provident Fund Commissioner,  
Central PF Commissioner Office,  
Bihjii Cama Place, R.K.Puram,  
New Delhi.

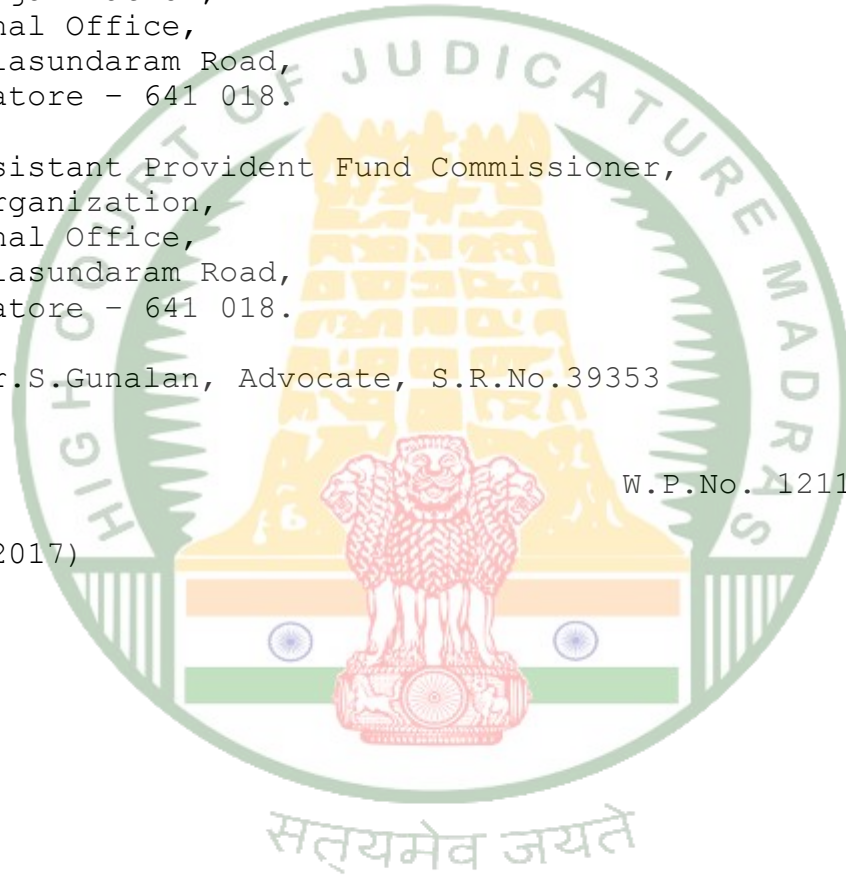
2. The Regional PF Commissioner,  
EPF Organization,  
Regional Office,  
Dr.Balasundaram Road,  
Coimbatore - 641 018.

3. The Assistant Provident Fund Commissioner,  
EPF Organization,  
Regional Office,  
Dr.Balasundaram Road,  
Coimbatore - 641 018.

+lcc to Mr.S.Gunalan, Advocate, S.R.No.39353

W.P.No. 12114 of 2017

BR(CO)  
RS(13/06/2017)



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