

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.No.951 of 2015

M/s.Poncherry Co-operative Wholesale Stores Ltd., No.P.44,
rep. by its Managing Director,
288, Mahatma Gandhi Road,
Puducherry - 605001.

... Petitioner

Vs.

The Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Sub-Regional Office, No.101, 100ft. Road, Cholan Nagar,
Olandaikeerapalayam,
Puducherry - 605 004.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondent from implementing the order bearing No.PDC/PC/67/Reg1/2014 (Damages) dated 19.12.2014 on his file and recover the damages determined therein from it in any manner till the disposal of the Appeal bearing Dairy No.67/2015 filed by it U/s.7-1 of the EPF & MP Act 1952 by the Employees' Provident Funds Appellate Tribunal, New Delhi.

For Petitioner : Mr.T.P.Manoharan

For Respondent : M/s.V.J.Latha

O R D E R

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

2. The petitioner filed an appeal as against the damages imposed for the belated payment of Employees Provident Fund charges. The Writ Petition was moved at a time when there was no Presiding Officer at Delhi. Thereafter, the Tribunal has been constituted with the seat at Bangalore. It is submitted by both the counsel that notice has already been issued to the petitioner informing the factum of transfer of the case to the

Tribunal at Bangalore. From the above said facts, nothing survives for adjudication in this Writ Petition.

3. The learned counsel for the petitioner submits that the respondents might proceed to recover the amount, since no notice of hearing has been fixed by the Tribunal at Bangalore. It is for the petitioner to approach the Tribunal at Bangalore and press the stay application.

4. In view of the above, the Writ Petition stands disposed of, by giving a period of eight weeks time to the petitioner to move the stay application before the forum at Bangalore. Till such time, the status as on date can be maintained, 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(CS II)

//True Copy//

Sub Assistant Registrar

pbn

To

The Regional Provident Fund Commissioner - II,
Employees Provident Fund Organisation,
Sub-Regional Office, No.101, 100ft. Road, Cholan Nagar,
Olandaikeerapalayam,
Puducherry - 605 004.

+1cc to Mrs.V.J.Latha, Advocate, S.R.No.41059

W.P.No.951 of 2015

SR(CO)
CA(27/06/2017)

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