

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No. 43301 of 2016
and W.M.P.No.37140 of 2016

M/s. Sowparnika Fashions
rep. By its Proprietor Jeevan Kumar

..Petitioner

Vs.

1. The Authorised Officer/Regional Provident
Fund Commissioner-II,
Regional Office,
No.37, EPFO, Royapettah High Road,
Chennai - 600 014.
2. The Recovery Officer,
Office of Employees Provident Fund Organisation,
No.37, Royapettah High Road,
Chennai - 600 014.
3. The Enforcement Officer (Recovery),
No.37, EPFO, Royapettah High Road,
Chennai - 600 014.

..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 issued by the 2nd respondent vide E.P.F.C.P. 1 No. TN/CHN/Recy/CP1/TN/26605/Reg1/2016 dated 17.11.2016 and quash the same, and consequently direct the 1st respondent to conduct enquiry afresh affording reasonable opportunity to the petitioner to put forth his case.

For Petitioner : Mr.S.P.Srinivasan

For Respondents : Mr.T.R.Sundaram

O R D E R

Seeking to quash the proceedings of the second respondent dated 17.11.2016 and to direct the first respondent to conduct enquiry afresh affording reasonable opportunity to the petitioner, this writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The issue sought to be raised in the writ petition is with respect to the identity. According to the petitioner, it has got nothing to do with the original demand followed by the adjudication as it is a separate entity. Under those circumstances, the petitioner made representation on 18.11.2016. It is brought to the notice of this Court that pursuant to the said representation, an enquiry has already been initiated and the petitioner was asked to attend the same, as seen from the proceedings in TN/MAS/26605/Recy/Regl/2016 dated 14.12.2016. However, the petitioner has not attended the enquiry scheduled to be held on 6.01.2017 in view of the pendency of the writ petition.

4. There is no need to keep the writ petition pending since, admittedly the enquiry is pending. In such view of the matter, the petition is directed to attend the enquiry within a period of four weeks from the date of receipt of a copy of this order and furnish all the documents sought for apart from putting forth its case. Thereafter, appropriate orders will have to be passed within a period of four weeks.

5. In such view of the matter, without going into the merits of the case, the impugned order is set aside. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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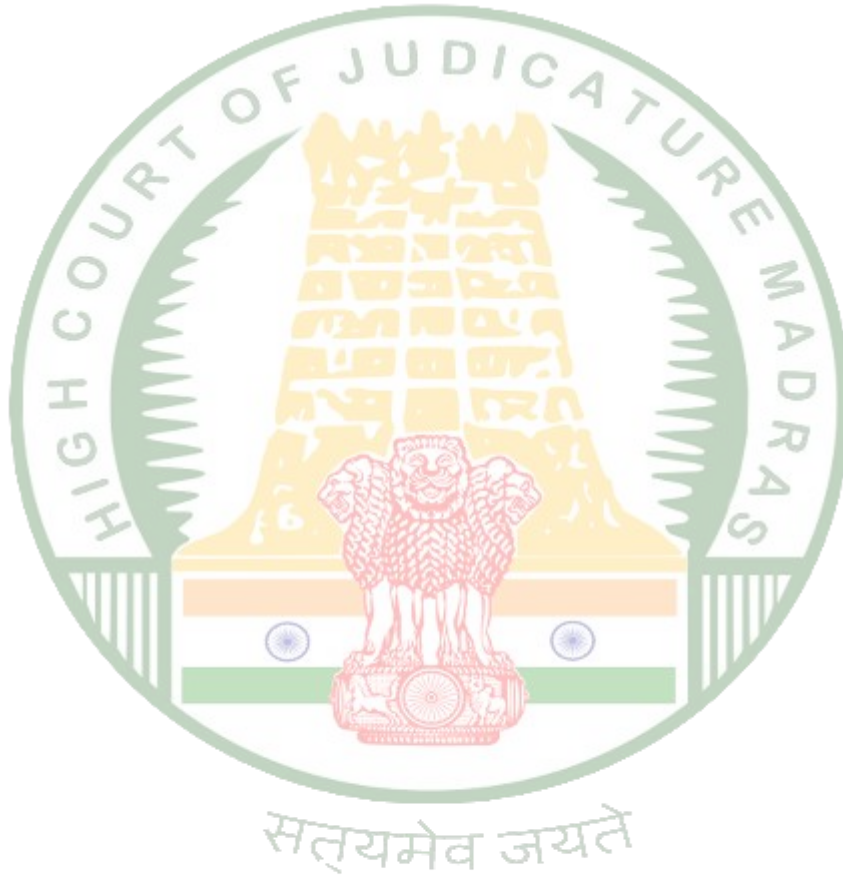
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3. The Enforcement Officer(Recovery),
No.37, EPFO, Royapettah High Road,
Chennai - 600 014.

+2cc to Mr.T.R.Sundaran, Advocate in Sr.No.38290
+1cc to Mr.S.P.Srinivasan, Advocate in Sr.No.38277

W.P.No. 43301 of 2016

NR(12/06/2017)



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