

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.No.8472 of 2018

M/s.Palani Andavar Cotton & Synthetic
Spinners Ltd.,
Rep by its Director,
Mr.Vikram V.Sathyanathan,
231, Dhally Road,
Udumalpet - 642 126,
Tiruppur District ...Petitioner

Vs.

The Asst P.F.Commissioner/
Recovery Officer,
EPF Organization,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18 ... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to consider the petitioner's representation dated 19.01.2018 within a stipulated time fixed by this Court and file report.

For Petitioner : Mr.S.Gunalan

For Respondent : M/s.R.Meenakshi,
Standing Counsel [for EPF]

O R D E R

The relief sought for in this writ petition is to direct the respondent to consider the representation dated 19.01.2018 submitted by the writ petitioner.

2. The learned counsel appearing for the writ petitioner made a submission that the petitioner company is registered under the provisions of the Companies Act and is running a spinning mill at Udumalpet. Right from the date of inception of the petitioner company, they are remitting EPF contribution punctually without committing any default or delay. However,

now the petitioner states that certain amounts already deposited are not adjusted and the respondent is charging costs and charges contrary to the procedures. In this regard, the writ petitioner had submitted a representation on 19.01.2018.

3. The learned counsel appearing for the respondent opposed the contention by stating that the charges and costs as applicable under the Income Tax Act are levied and the same cannot be opposed by the writ petitioner. The respondents are imposing costs and charges only in accordance with the provisions of the Acts and Rules and therefore, there is no infirmity.

4. May that it may, this Court is of an opinion that a reply in this regard must be furnished to the petitioner setting out the details of such recovery or otherwise. In this regard, the writ petitioner made a representation on 19.01.2018 and the Authorities competent have to consider the same on merits and take a decision.

5. In this view of the matter, the respondent is directed to consider the representation submitted by the writ petitioner on 19.01.2018 and pass orders on merits in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and all other relevant documents along with the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

maya / lok

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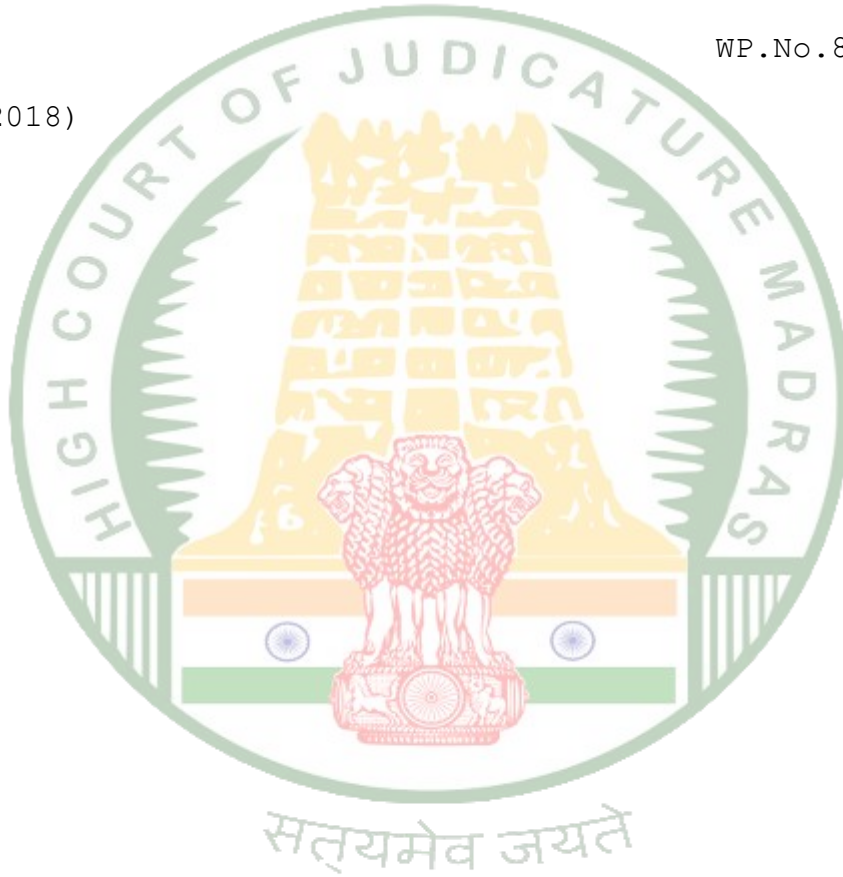
To

The Asst P.F.Commissioner/ Recovery Officer,
EPF Organization,
Regional Office,
Dr.Balasundaram Road,
Coimbatore - 18

+ 1 cc to Mr.R. Meenakshi, Advocate Sr.28369
+ 1 cc to Mr. S. Gunalan, Advocate, Sr.28342

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CA(CO)
EU(17/05/2018)



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