

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.3.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.556 of 2018
and
C.M.P.No.5439 of 2018

Datamatics Global Services Limited.,
Registered Office
Unit No.117-120,
SDF IV SEEPZ, Andheri (East),
Mumbai 400 096. Appellant

Versus

1. Regional Provident Fund
Commissioner II (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
3 Rajaji Salai, Chennai 600 045.
2. The Branch Manager,
ICICI Bank Ltd.,
Free Press Building Nariman Point,
JRN Road, Mumbai.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.11.2017 passed in M.P.No.2 of 2014 in W.P.No.7634 of 2014 on the file of this court.

M.P.No.2 of 2014:

To stay the operation of the order No.TB/TAM/RO/ENF/T-1/60764/2014 dated 10.03.2014 passed by the first respondent.

W.P.No.7634/2014:

Writ of Certiorari call for the records on the file of the 1st respondent leading to the impugned order and quash the impugned order in Ref. No.TB/TAM/RO/ENF/T-1/60764/2014 dated 10.3.2014 and pass such further or other orders.

For appellant : Mr.M.Vijayan for
M/s.King & Partridge

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge modifying the interim relief already granted in favour of the writ petitioner.

3. The matter relates to the dispute with regard to dues payable by the writ petitioner to the Provident Fund Organisation. The stand taken by the writ petitioner is that they are not liable to pay any dues whereas it is the contention on behalf of the Provident Fund Organisation that there are materials available with them to claim statutory dues from the writ petitioner.

4. The learned Single Judge, on appreciating the case projected by both the parties, has held as under:-

"4. May that it be. This court is of the opinion that all those allegations and counter allegations shall be adjudicated at the time of final hearing of the writ petition. However, this court has to adopt a balancing approach in respect of statutory dues. Thus, this court is of the view that at least portion of the amount to be deposited by the writ petitioner-Company during the pendency of this writ petition.

5. Thus, M.P.No.2 of 2014 in W.P.No.7634 of 2014, wherein this court has already granted an interim order of stay on 14.3.2014, is modified to the extent that the writ petitioner-Company is directed to deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only), with the first respondent-Organisation, within a period of eight weeks from the date of receipt of a copy of this order."

5. The learned counsel appearing for the writ petitioner/appellant challenges the said order on the ground that he owes no money as per section 8B of the Employees Provident Fund Act.

6. Be that as it may, it appears that there some material documents available with the Provident Fund Organisation to claim dues from the writ petitioner Company and such allegation and counter allegations require en elaborate adjudication and therefore, the learned Single Judge had modified the interim order and thereby directed the appellant to deposit a portion of

the amount claimed by the Provident Fund Organisation within a period of eight weeks and also directed to post the main writ petition within four weeks for final disposal. The interim order passed by the learned Single Judge cannot be, lightly, interfered with.

7. At this stage, the learned counsel appearing for the appellant would submit that the appellant is ready for arguing the main writ petition itself for final disposal. If it is so, they shall make appropriation application before the learned Single Judge for taking up the writ petition itself for final disposal. In such event, the learned Single Judge shall take up the writ petition itself for final disposal. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. Regional Provident Fund
Commissioner II (C&R),
Employees Provident Fund Organisation,
Regional Office, Tambaram,
3 Rajaji Salai, Chennai 600 045.
2. The Branch Manager,
ICICI Bank Ltd.,
Free Press Building Nariman Point,
JRN Road, Mumbai.

Copy to

1. The Posting Clerk
Writ Section, High Court, Madras.
2. The Sub Assistant Registrar
Writ Section, High Court, Madras.

+1 CC to M/s. King and Partridge, sr 21781.

W.A.No.556 of 2018

SP(23/04/2018)