

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.3982 of 2015

M/s.Alpha Arts & Science College
16, Thandalam Village, Porur
Chennai - 600 116, rep.by its Chairperson

..... Petitioner

Vs

The Assistant Regional PF Commissioner(C & R)
Regional Office, Tambaram, 3, Rajaji Salai
Chennai - 600 045.

..... Respondent

For Petitioner : M/s.Sai Prasad

For Respondent : Mr.K.Ramu

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from proceeding with the recovery or any distress proceedings pursuant to the order of the respondent Ref.No.TN/RO/TBM/ENF/T-6/14791-B/2014 dated 05.01.2015.

O R D E R

The petitioner herein has filed the writ petition seeking to forbear the respondent from proceeding with the recovery or any distress proceedings pursuant to the order of the respondent Ref.No.TN/RO/TBM/ENF/T-6/14791-B/2014 dated 05.01.2015 in exercise of his powers under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act. The amount payable by the petitioner has been determined at Rs.30,63,141/-

2. Learned counsel appearing for the petitioner has stated that 25% of the amount has been deposited in terms of compliance of the interim order passed by this Court in W.M.P.No.1 of 2015 dated 17.02.2015. It is also pointed out that at the time the appeal was sought to be filed, the jurisdiction of the appellate tribunal was in ambiguity and was pending consideration before the Supreme Court. Now the jurisdiction of the appellate

tribunal is vested with the Central Government Industrial Tribunal. But, it is an undisputed fact that the Presiding Officer for the said tribunal, has not been appointed.

3. Under the circumstances, it is hereby directed that till the issue of stay application is taken up at the Central Government Industrial Tribunal, no coercive steps shall be taken to recover the balance amount from the petitioner. With the above directions, the writ petition is disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Assistant Regional PF Commissioner(C & R)
Regional Office, Tambaram, 3, Rajaji Salai
Chennai - 600 045.
- 2.The Central Government Industrial Tribunal,
Chennai.

+lcc to Mr.K.Ramu, Advocate Sr.54168

सत्यमेव जयते

W.P.No.3982 of 2015

br[co]
srg 6/9/2018

WEB COPY