



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.267 of 2018

and

W.M.P.(MD)Nos.276 and 277 of 2018

M/s.Hayakriva Associates and Builders,
Represented through its Partner,
K.Vijay Anand,
Flat C-1, I Floor,
19/20, Rajaji Street,
Gandhi Nagar, Madurai-625 020,
Tamil Nadu.

... Petitioner

vs.

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.Indian Overseas Bank,
Represented by its Branch Manager,
Anupanadi Branch,
Madurai - 625 009.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to quash the impugned order of the first respondent to the second respondent in reference No.TN / RO / MD / MDU / 1512611 / PDC / Cir-04/8F/2017, dated 12.12.2017 for deducting the amount of Rs.6,26,552/- from petitioner Bank account and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief pass such order(s).

For Petitioner : Mr.M.N.Ramkumar

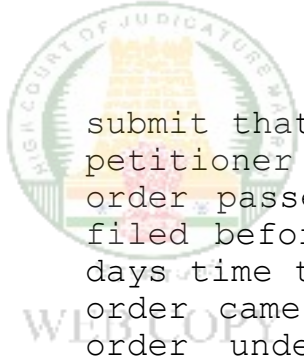
For Respondents : Mr.K.Murali Shankar
for R.1

O R D E R

The first respondent, in pursuance of the impugned order dated 12.12.2017, froze the writ petitioner's Bank Account lying with the second respondent herein. The writ petitioner was visited with an order under Section 14B of the Employees' Provident Fund Act and a sum of Rs.4,21,440/- was ordered to be paid as damages and a sum of Rs.2,05,112/- as interest.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the writ petitioner would



submit that the interest amount had already been remitted. The writ petitioner has a statutory right of filing an appeal against the order passed under Section 14B of the Act. The appeal has to be filed before the Appellate Tribunal and the writ petitioner has 60 days time to file such an appeal. In the present case, the impugned order came to be issued on 12.12.2017. As already submitted the order under Section 14B was passed on 17.11.2017. The writ petitioner has time to file appeal till 16.01.2018. Therefore, the first respondent ought to have waited for the expiry of the appeal period. The first respondent could not have passed the impugned order before the expiry of the appeal period. Therefore, the order dated 12.12.2017 stands quashed.

3.The learned counsel appearing for the writ petitioner would submit that the Appellate Tribunal is presently not functional. However, the petitioner filed the appeal in time. It is therefore, directed that the order dated 17.11.2017, passed by the first respondent, levying damages on the writ petitioner shall be kept in abeyance till the Appellate Tribunal becomes functional.

4.The Writ Petition stands allowed as indicated above. No costs. Consequently, connected the Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2.Branch Manager,
Indian Overseas Bank,
Anupanadi Branch,
Madurai - 625 009.

+1cc to Mr.M.N.RAMKUMAR, Advocate, SR.40887

+1cc to Mr.K.MURALI SANKAR, Advocate, SR. 40882

W.P (MD) No.267 of 2018
08.01.2018

GSP

KK/JC/SAR 4/15.02.2018/ 2P- 5C/