

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY , THE TWENTY FIRST DAY OF JANUARY,
TWO THOUSAND AND SIXTEEN

: PRESENT :

THE HONOURABLE SRI JUSTICE VILAS V.AFZULPURKAR
W.P.No. 1633 of 2016

Between:-

M/s. Padmalaya Pulp Packs Pvt. Ltd., Represented by its Chairman, M.R. Gopal Chary, S/o M.S. Achary, Industrial Estate, Rachagunneri Village, Tirupati, KalaHasti Road, Chittoor District - 517 641 R/o Bagh Amberpet, Hyderabad.

..... Petitioner

AND

- 1.The Union of India, represented by Its Secretary, Ministry of Labour, Karimika Bhawan, Central Secretariat, New Delhi - 110 001
- 2.The Recovery Officer / Assistant Provident Fund Commissioner, Employees Provident Fund Organization, 1/30, Railway Station Road, Kadapa 516 004.

.....Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ order or direction particularly one in the nature of writ of Mandamus declaring that the petitioner company is not liable to pay any Provident Fund and that Section 17B of EPF & MP Act of 1952 has no application at all to the facts of the case and further declaring that the Show Cause Notice No. AP/22372/ CTR/ RECY/SRO/KDP/2015/608 dated 16.12.2015 issued by the 2nd respondent without first determining whether the petitioner's company is liable to pay Provident Fund is totally illegal, arbitrary, unjust apart from being violative of Article 19 of the Constitution of India and also violative of the principles of natural justice and set aside the same.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M. SRIKANTH, Advocate for the Petitioner and Sri P. Devender-SC on behalf of respondent No1, the Court made the following

ORDER :-

“Sri P. Devender, learned Standing Counsel, takes notice for respondent No.1.

Prima facie, the petitioner-company claims that it has purchased the premises of M/s. Rainbow Rock Products Private Limited. M/s. Rainbow Rock Products Private Limited claims to have acquired the unit of M/s. Unique Granites Private Limited.

The impugned order seeking recovery of liability of M/s. Unique Granites Private Limited is also issued to the petitioner as it holds the property originally belonging to M/s. Unique Granites Private Limited.

***Prima facie*, petitioner is bound by such encumbrance. However, since the notice threatening arrest is issued, there shall be interim stay of arrest of the officials of the petitioner company subject to their condition of depositing a sum of Rs.50,000/- (Rupees Five Thousand only) with the second respondent within one week from today. In default, this interim order shall stand vacated.**

Contd.2...

- 2 -

List after four (4) weeks to enable the respondents to file their counter.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Secretary, Ministry of Labour, Union of India,
Karimika Bhawan, Central Secretariat, New Delhi - 110 001
- 2.The Recovery Officer / Assistant Provident Fund Commissioner,
Employees Provident Fund Organization, 1/30, Railway Station Road,
Kadapa 516 004.
- 3.One CC to Sri M. Srikanth, Advocate(OPUC)
- 4.One spare copy.

TKK

HIGH COURT

VVA.J

DT.21-01-2016.

ORDER

W.P.No. 1633 of 2016.

INTEIRM DIRECTION

**DRAFTED BY TKK
DT.21-01-2016.**

HIGH COURT

VVA.J

DT.21-01-2016.

Note :- List after four (4) weeks

ORDER

W.P.No. 1633 of 2016.

INTEIRM DIRECTION