

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.28376 of 2005
W.P.M.P.No.30902 of 2005

The Management of
Cholamandalam AMC Ltd.
Dare House
No.2, N.S.C.Bose Road,
Chennai-600 001.

... Petitioner

Vs

The Regional Provident Fund Commissioner
Tamil Nadu & Pondicherry
EPFO Regional Office
37, Royapettah High Road,
Chennai 600 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondent to treat its notice in proceedings No.TN/MAS/Circle:8/Damages/TN/23200C/CA/05 of the respondent dated 20.05.2005 as a show cause notice to show cause against recovery of interest and damages for the period 4/96 to 9/2000, give a personal hearing to the petitioner and thereafter pass orders.

For Petitioner : Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co. for R2

For Respondents: Mr.V.Sundereswaran

O R D E R

The relief sought for in the present writ petition is for a direction to the respondent to treat its notice in proceedings No.TN/MAS/Circle:8/Damages/TN/23200C/CA/05 dated 20.05.2005 as a show cause notice to show cause against recovery of interest and damages for the period 04/1996 to 09/2000, give a personal hearing to the petitioner and thereafter pass orders.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that this Court has passed an order on 11.04.2007 in W.P.No.28375 of 2005, which reads as under:

"By consent of both parties, the writ petition itself is taken up for final disposal.

2. This writ petition is to quash the order dated 27.08.2005 in respect of demand for payment of interest on the alleged dues payable. It is seen that the petitioner had sent a reply letter dated 09.08.2005 and in the letter dated 17.08.2005, the petitioner has sought for personal hearing to enable them to show proof of the payment of provident Fund. The petitioner has also contended that they are not in arrears of any amount under Employees Provident Fund. As such, the question of levying damages or interest does not arise. However on 27.08.2005, the first respondent passed an order without affording opportunity to the petitioner herein. Considering the same, the order passed on 27.08.2005 is set aside with direction to the respondents to consider the representation by giving opportunity to the petitioner herein to substantiate his case and pass orders within a period of three months from the date of receipt of a copy of this Order. No costs. Consequently, connected W.P.M.P.No.30901 of 2005 is closed."

3. In view of the above order, the cause aroused do not exist as of now. Accordingly, the writ petition stands disposed of as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CJ.Conf)

//True copy//

Sub Assistant Registrar

ssb

To

The Regional Provident Fund Commissioner
Tamil Nadu & Pondicherry
EPFO Regional Office
37, Royapettah High Road,
Chennai 600 014.

+1cc to M/s.T.S.Gopalan & Co, Advocate SR.No.83760

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RSV(CO)

GMV(01/11/2019)