

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2019

CORAM

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

W.P.No.9479 of 2019

and

WMP.Nos.10081, 10083 and 10085 of 2019

M/s. Valued Epistemics Pvt. Ltd.
Represented by its Director, Mr. Anand Kannan,
No.124, 5th Cross Street, Padmanabha Nagar,
Adyar, Chennai,
Tamil Nadu- 600020.

..Petitioner

vs

1. Assistant Provident Fund Commissioner,
Division-14,
Regional Office, Employees' Provident Fund Organisation
No.37, Royapettah High Road,
Chennai- 600 014.

2. The Enforcement Officer- Recovery,
Division-14,
Regional Office, Employees' Provident Fund Organisation
No.37, Royapettah High Road,
Chennai- 600 014.

3. Regional Provident Fund Commissioner,
Division-14,
Regional Office, Employees' Provident Fund Organisation
No.37, Royapettah High Road,
Chennai- 600 014.

4. The Branch Manager,
HDFC Bank,
No.27, New MGR Main Road,
Kandanchavadi,
Perungudi,
Chennai- 600 096.

5. Central Board of Trustees
rep.by its Chairman
Employees' Provident Fund Organisation
Shram Shakthi Bhavan, Rafi Marf.New Delhi 110 001

(R5 Impleaded as per order of this Court dated 18.11.2019
in WMP.no. 21451 of 2019)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ, order or direction more particularly a writ in the nature of writ of certiorarified mandamus calling for the entire records of the 2nd respondent relating to the petitioner's account, more particularly the impugned order No.CHN/TN/53845/RECOVERY/Div14/REGIONAL/2019 dated 08.03.2019 and quash the same as illegal arbitrary and devoid of merit and consequently direct the 2nd respondent to raise the freeze of the petitioner's Account in the 4th respondent bank and pass orders

For Petitioner	: Mr. Ramaswamy Meyyappan
For Respondents	: Mr. v. Sundaraswaran for R1 to R3 R4- Tapal due

O R D E R

The order dated 08.03.2019 passed under Section 8F of the Employees Provident Funds & Misc. Provisions Act, 1952 is under challenge in the present Writ Petition.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner company is facing financial crisis and accordingly not in a position to pay the damages, as claimed by the EPF

authorities, however the order under challenge in the Writ Petition was issued by the competitive authority under Section 8 F of the Act. During the pendency of the Writ Petition, the order issued under 7A was not received by the writ petitioner company, as it was not originally served as per the statement of the writ petitioner. However, the learned counsel for the respondent denied the statement and made a submission that a copy of the order passed under Section 14 B was served on the writ petitioner at the earliest point of time, which is now denied. However, the fact remains that the said order passed under Section 14 B of the Act was taken by way of an Appeal under Section 17 (1) of the EPF Act. The said Appeal is pending before the Appellate Tribunal. The Advocates across the bar made a request that the Presiding Officer is on leave and the Tribunal as of now not functioning.

3. Under these circumstances, the writ petitioner is at liberty to pursue his appeal already filed before the Tribunal

in respect of interim order by filing an interlocutory application and the respondents are directed not to initiate any coercive step till the interlocutory application is taken up for hearing by the Tribunal. Meanwhile the writ petitioner to establish their bonafides by providing bank guarantee to the tune of 10 per cent of the damages awarded by the competent authority/respondent. All other grounds, raised in this Writ Petition by the parties, shall be adjudicated before the Tribunal in the pending Appeal. The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrn

To

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4. The Chairman,
Central Board of Trustees
Employees' Provident Fund Organisation
Shram Shakthi Bhavan, Rafi Marf.New Delhi 110 001

+1cc to Mr.Ramaswamy , Advocate SR.No. 96286

+1cc to Mr.V.Sundareswaran , Advocate SR.No. 96116

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A.SK(06/01/2020)