

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.22100 of 2018 and
W.M.P.No.25898 of 2018

Teja Industries,
Rep by its Partner Mandeep Singh Malik,
No.8, Ayyanchery Village,
Urapakkam 603 210,
Kancheepuram District. ... Petitioner

Vs

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
No.37, Royapettah High Road,
Chennai 600 014.

2.The Assistant Regional Provident Fund
Commissioner,
Employees Provident Fund Organization,
No.37, Royapettah High Road,
Chennai 600 014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to forebear the second respondent from taking any action for the recovery of damages and interest pursuant to the notice dated 08.06.2018, bearing Ref No.TN/MAS/0023254/000/Enf.517/Damages/pending the issuance of the final order to be passed by the second respondent in pursuance to the notice dated 08.06.2018 bearing Ref No.TN/MAS/0023254/000/Enf.517/Damages.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents : Mr.V.Sundareswaran,
SSC for R1 & R2

O R D E R

The present writ petition has been filed to forebear the second respondent from taking any action for the recovery of

damages and interest pursuant to the notice dated 08.06.2018, bearing Ref No.TN/MAS/0023254/000/Enf.517/Damages, pending the issuance of the final order to be passed by the second respondent in pursuance to the notice dated 08.06.2018.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that already he has moved the Appellate Tribunal against the order passed by the respondents. But, according to him, the Presiding Officer has not been sitting. Therefore, he is prevented from filing waiver application before the Tribunal. Therefore, he is before this court by way of this writ petition.

3. The learned counsel for the petitioner would also submit that the Presiding Officer has adjourned the case to 26.04.2019 and he would request this Court to grant interim protection. So that, he will move the Tribunal with the appropriate waiver application.

4. Since the request made by the petitioner is reasonable and practical, this Court is therefore of the view that the petitioner is entitled to grant of interim protection atleast till the next date of hearing before the Appellate Tribunal on 26.04.2019.

5. For the above said reasons, the respondents are restrained from taking any coercive action against the petitioner atleast till 26.04.2019. The petitioner is at liberty to move the Appellate Tribunal for waiver application either on that date or before, as he may be advised.

6. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gsk

To

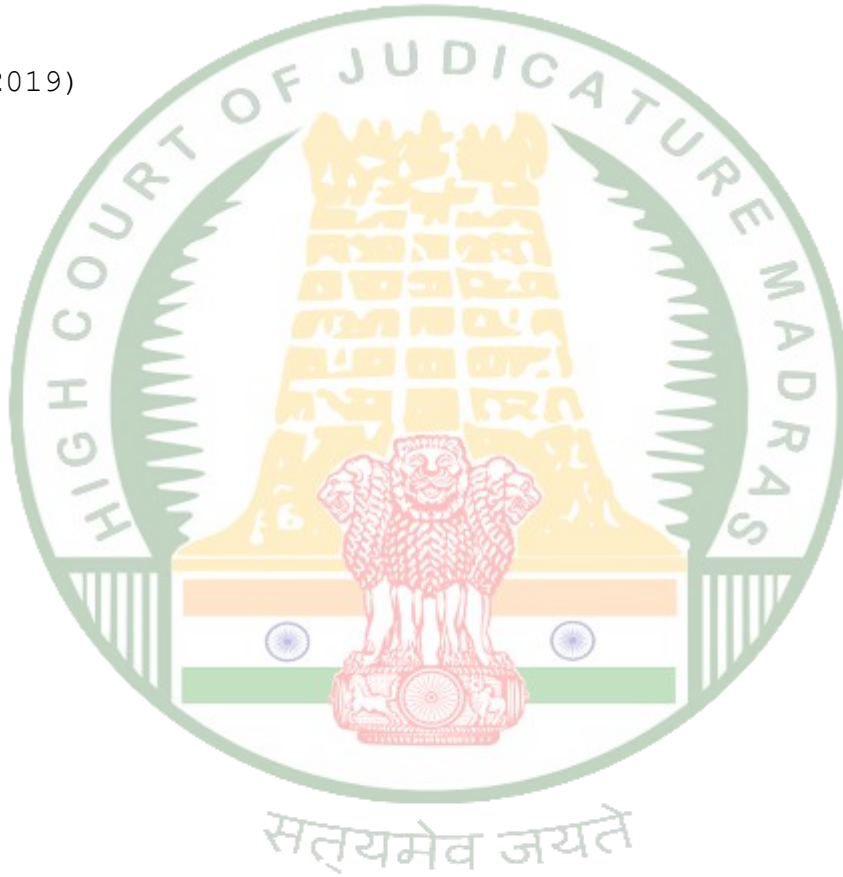
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+lcc to Mr.M.Aravind Subramaniam, Advocate, S.R.No. 21565

W.P.No.22100 of 2018

GN(20/03/2019)



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