

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.9364 of 2014
& MP.No.1 of 2014

M/s.Renault Nissan Automotive India Pvt. Ltd.,
Plot No.1, Sipcot Industrial Park,
Oragadam, Mathur Post,
Sriperumbudur - 602 105.
Rep. by its Manager- Legal. ...Petitioner

Vs.

The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization, Sub Regional Office,
R-40, A-1, III Floor,
TNHB Shopping - Cum - Office Complex,
Mugapair Road, Mugapair East,
Chennai - 600 037. ...Respondent

PRAYER: This Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus forbearing the respondent from continuing with the proceedings initiated against the petitioner under section 7 A of the EPF Act vide Notice Ref.:TN/SAO-AMB/61854/CC I A-5/2012 dated 04/07/12 till the pronouncement of the judgment by the Division Bench of this Court in W.A.Nos.982, 985, 1026, 1343 and 1344 of 2011 and Civil Appeals Nos.3965 - 3966/2013 by the Hon'ble Supreme Court.

For petitioner : Mr.R.Muthu Krishnan
for M/s. Sai Raaj Associates
For Respondent : Mr.J.Sathyanarayana Prasad

ORDER

This writ petition has been filed to forbearing the respondent from continuing with the proceedings initiated against the petitioner under section 7 A of the EPF Act vide

Notice Ref.:TN/SAO-AMB/61854/CC I A-5/2012 dated 04/07/12 till the pronouncement of the judgment by the Division Bench of this Court in W.A.Nos.982, 985, 1026, 1343 and 1344 of 2011 and Civil Appeals Nos.3965 - 3966/2013 by the Hon'ble Supreme Court.

2. The learned counsel appearing for the petitioner submitted that, challenging the judgment of the Division Bench of this Court in a batch of cases in W.A.Nos.982 of 2011 etc., batch, the Department has preferred Civil Appeal before the Hon'ble Supreme Court, in Civil Appeal No.6221 of 2013 etc., and by Judgment dated 28.02.2019, the Hon'ble Supreme Court had set aside the Judgment of this Court and allowed the appeal.

3. In view of the factual matrix, the aforesaid judgment of the Honourable Supreme court is squarely applicable to the facts of this case in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. However, it is open to the petitioner to approach the authority concerned for further remedy, if any, permissible under law.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization, Sub Regional Office,
R-40, A-1, III Floor,
TNHB Shopping - Cum - Office Complex,
Mugapair Road, Mugapair East,
Chennai - 600 037.

+1cc to Mr.J.Sathya Narayana prasad, Advocate Sr.21178
+1cc to M/S.Sairaj Associates SR.20901

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srg 6/5/2019