

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.4604 & 5386 of 2016

and

W.M.P.Nos.3964 & 4698 of 2016

M/s. Prodapt Solutions Private Limited
283/4, 4th Floor,
OMR, Kandachavadi,
Chennai - 600 096
rep. by tis Director Finance,
Mr.Karthikeyan.S. ... Petitioner in W.P.No.4604/2016

M/s. Fab India Overseas Limited,
ILFORD House,
No.3, Woods Road,
Chennai - 600 002
represented by its Regional Manager
-Finance Head,
Mr.C.Manikandan ... Petitioner in W.P.No.5386/2016

vs.

The Regional Provident Fund Commissioner-II (C&R)
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014. ... Respondent in W.P.No.4604/2016

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014. ... Respondent in W.P.no.5386/2016

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing the respondents from continuing the proceedings dated 26.10.2015 and 18.11.2015 in No.CHN/TN/ 49037/DIV.20/Eng/Regl/2015 & No.CHN/TN/39210/DIV.17/Eng/Regl/2015 respectively and initiating any enquiry.

For Petitioners : Mr.G.R.Balakumar
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.V.Sundareswaran
Senior Panel Counsel

C O M M O N O R D E R

Both these writ petitions are filed by the respective Management challenging the proceedings initiated under Section 7A of the Employees Provident Fund & Miscellaneous Provisions Act, 1952.

2. Heard both sides.

3. It is represented by the learned counsel appearing for the petitioners and Mr.V.Sundeswaran, learned counsel appearing for the respondents that the issue involved in these writ petitions is no more res-integra in view of the recent decision made by the Honourable Supreme Court reported in 2019 SCC Online SC 291 (Regional Provident Fund Commissioner (II) West Bengal v. Vivekananda Vidyamandir) against the claim made by the petitioner Management. Therefore, it is submitted by the learned counsel for the petitioners that the petitioners may be permitted to appear before the respondents on a date fixed by them by issuing summons.

4. Mr.V.Sundareswaran, learned counsel appearing for the respondents submitted that fresh summons will be served on the petitioners for their appearance.

5. Recording the above said submissions made by the learned counsels appearing on either side, both these Writ Petitions are disposed of by directing the respondents to issue fresh summons to the petitioners so as to enable them to appear on the said day and place their submissions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

vsi

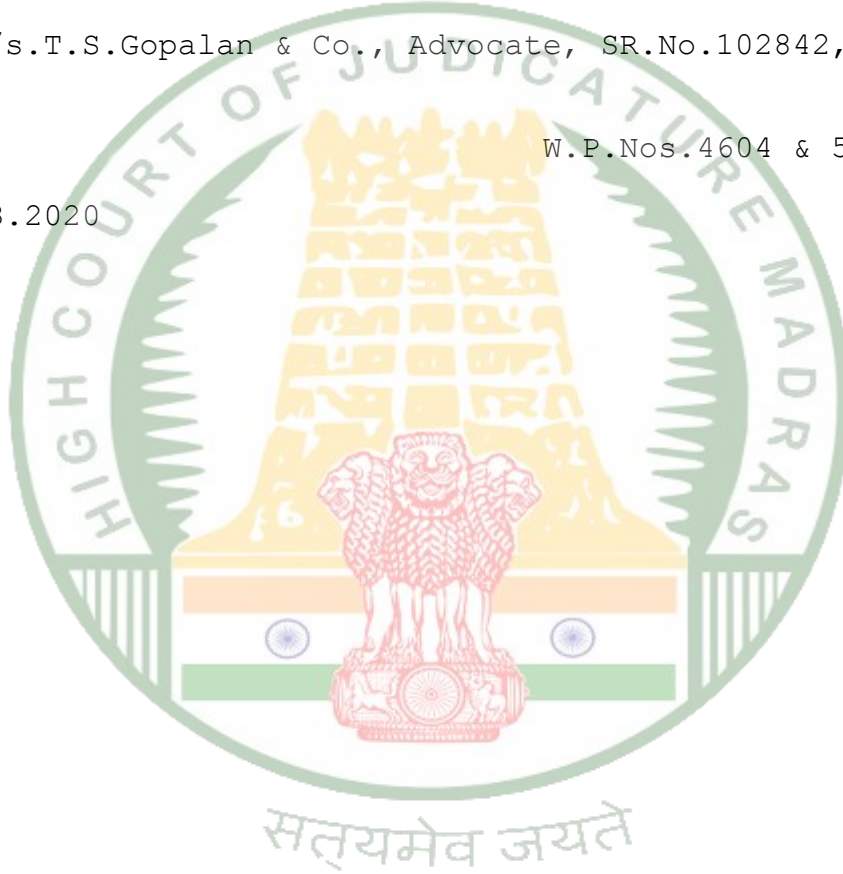
To

1. The Regional Provident Fund Commissioner-II (C&R)
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.
2. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.

+2cc to M/s.T.S.Gopalan & Co., Advocate, SR.No.102842, 102843.

W.P.Nos.4604 & 5386 of 2016

RGN (CO)
CSR: 12.03.2020



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