



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 322 of 2020

and

W.M.P. No. 367 of 2020

M/s.Matrimony.Com Limited

TVH Belicia Towers

10th Floor, Second Tower

MRC Nagar, Chennai - 600 028.

Rep. By its Associate Vice President -

Legal & Regulatory, S.Ravichandran

... Petitioner

-vs-

1. The Regional Provident Fund Commissioner - I
Employees Provident Fund Organization
37, Royapettah High Road
Chennai - 600 014.

2. Recovery Officer
Employees' Provident Fund Organization
Ministry of Labour and Employment
Government of India
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 Certiorarified Mandamus, call for the records of the Second Respondent in proceedings No. TN/CHN-I/CC-II(Recy)/CP1/TN/50353/D-526 Regl/2019 and quash its order dated 19.12.2019 and consequently, direct the Second Respondent not to initiate any recovery proceedings against the petitioner till the Central Government Industrial Tribunal cum EPF Appellate Tribunal passes orders in the waiver petition filed by the Petitioner in EPFA No. 198 of 2018.

For Petitioner : Mr.S.Bazeer Ahamed

For Respondents: Mr.T.R.Sunadaram (For R1 and R2)



O R D E R
(through video conference)

Heard Mr. S. Bazeer Ahamed, Learned Counsel for the Petitioner and Mr. T.R. Sundaram, Learned Counsel appearing for the Respondents through video conference and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is aggrieved by the order No. TN/CHN/CC-2/26/TN/50353/Enf/Regl/2015 dated 17.03.2015 passed by the First Respondent, had preferred an appeal against that order in E.P.F.A. No. 198 of 2018 under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, before the Appellate Authority. According to the Learned Counsel for the Petitioner, the said appeal is posted for next hearing on 10.08.2020 and the Second Respondent without awaiting the outcome of the application for interim stay in the said appeal, is taking coercive action for recovery from the Petitioner by issuing notice No. TN/CHN-I/CC-I(Recy)/CP1/TN/50353/D-526Regl/2019 dated 19.12.2019. In that backdrop, the Petitioner has filed this Writ Petition challenging the aforesaid demand notice dated 19.12.2019 and for consequential direction to the Second Respondent not to initiate any recovery proceedings against the Petitioner till the Appellate Authority passes orders in that appeal filed by the Petitioner in E.P.F.A. No. 198 of 2018.

3. It is brought to the notice of this Court by the Learned Counsel for the Petitioner that in compliance of the interim order dated 08.10.2020 in W.M.P. No. 367 of 2020 passed by this Court, the Petitioner has remitted a sum of Rs.40,72,897/- to the Second Respondent on 23.01.2020 and has produced proof in that regard, which is not disputed by the Learned Counsel for the Respondents.

4. Having due regard to the aforesaid subsequent events, the Respondents shall await for further orders to be passed in the appeal in E.P.F.A. No. 198 of 2018 by the Appellate Authority and shall not take any coercive action against the Petitioner for recovery of any amount under the order No. TN/CHN-I/CC-I(Recy)/CP1/TN/50353/D-526Regl/2019 dated 19.12.2019 till further orders in that appeal are communicated to the parties. It is made clear that the Appellate Authority is not precluded from requiring the Petitioner to remit any additional amount till the disposal of the appeal and that no view has been expressed by this Court in that regard.



5. The Writ Petition is disposed on the aforesaid terms. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Maya

To

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VSN II (CO)
CB (13/07/2020)