

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.5823 of 2020
in
W.M.P.No.6824 of 2020

M/s.Salem Textile Ltd.,
Rep.by its Director,
Selliampalayam,
Narayanapuram,
Athur Taluk, Salem.

... Petitioner

Vs.

The Recovery Officer,
Employees's Provident Fund Organisation,
Sub-Regional Office,
S.J.Plaza, Sonapuri,
Salem - 636 004.

... Respondent

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondent to reprocess of the recovery of Employees Provident Funds accounts of the petitioner by giving due adjustments as per true and correct calculation due under Provisions of Se.7(A) of EPF Act as it was worked out and provided by the respondent vide letter dated 23.04.2018 to apply the balance amounts to other heads of Section 7 Q of the EPF Act to settle the balance to relieve the petitioner liability towards provident funds contribution.

For Petitioner : Mr.V.Manohar

For Respondent : Mr.M.Thirunavukarasu

सत्यमेव जयते Standing Counsel for EPF

O R D E R

The petitioner company established in the year 1964 at Attur Salem District as cotton and synthetic yarn spinning mill. The respondent has initiated action for recovering dues which fell towards interest and damages and other heads and consequentially sold the movable and adjusted the same towards out standing.

2. According to the learned counsel for the petitioner, there is no arrears of contribution to be made under Section 7 (A) of the EPF Act, but the respondent has erroneously adjusted the amount in excess of dues payable under Section 7(A) of the Act. Therefore, he approached the respondent for reprocessing and refund of the excess amount collected. The request was not considered. Aggrieved over the same, the petitioner is before this Court.

3. The petitioner seeks a direction directing the respondent to re-process the provident fund account by giving due adjustments towards the interest calculation under Section 7 (A) of the EPF Act.

4. Considering the limited prayer, a direction is given to the respondent to re-process the recovery process of provident fund Act by the respondent by through and correct calculations due under Section 7 (A) of the EPF Act and pass orders with regard to liability of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.S.IV)

/True Copy/

Sub Assistant Registrar

To

The Recovery Officer,
Employees' Provident Fund Organisation,
Sub-Regional Office,
S.J.Plaza, Sonapuri,
Salem - 636 004.

+1 cc to M/s.V.Manohar, Advocate Sr.No. 20060

AKM/10.03.2020/2P-3C /

W.P.No.5823 of 2020