

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

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

W.P. No. 27165 of 2011

and

M.P. No. 2 of 2011

M/s. Merind Automotive Private Limited,
Rep. by its Managing Director,
No. D-6, Mogappair West Industrial Estate,
Chennai – 600 058.

... Petitioner

-vs-

Employees Provident Fund Organization,
Rep. by Assistant Provident Fund Commissioner,
Sub-Regional Office,
Ambattur R-40 A-1,
TNHB Shopping Office Complex,
Mugappair Road,
Mugappair East,
Chennai – 600 037.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the concerned records from the Respondent, quash the order of the Respondent dated 14.11.2011 bearing TN/SRO/SMB/39060/CC-I/A-I/2011.

For Petitioner : Mr. Balan Haridas

For Respondent : Mr. J.Sathyanarayanaprasad,
Standing Counsel

ORDER
(through video conference)

Heard Mr. Balan Haridas, Learned Counsel for the Petitioner and Mr. J.Sathyanarayanaprasad, Learned Standing Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges Order No. TN/SRO/AMB/39060/CC-I/A-1/2011 dated 14.11.2011 passed by the Respondent for recovery of amount due in terms of Order No. TN/SRO/Amb/29060/CC-I/A-1/2011 dated 05.09.2011 passed by the Respondent under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short).

3. It is represented that appeal had been filed in ATA No. 788(13)2011 before the Employees' Provident Funds Appellate Tribunal, New Delhi against the Order No. TN/SRO/Amb/29060/CC-I/A-1/2011 dated 05.09.2011 passed by the Respondent under Section 7-A of the Act, but the said appeal has been dismissed for non-prosecution on 19.09.2012 and that no steps have been taken to restore

that appeal. It is well established principle of law that when the order determining liability attains finality, the implementation of the consequential recovery must not be stalled. No infirmity has been shown in the impugned order requiring interference by this Court. In view of the same, the interim order dated 23.11.2011 stands vacated and the Respondents are not precluded from proceeding further to recover the amount due from the Petitioner in the manner recognized by law.

4. In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

29.09.2020

vjt/kv

Index: Yes/No

Note: Issue order copy by 28.10.2020.

To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office,
Ambattur R-40 A-1,
TNHB Shopping Office Complex,
Mugappair Road,
Mugappair East,
Chennai – 600 037.

P.D. AUDIKESAVALU, J.

vjt/kv



W.P. No. 27165 of 2011

WEB COPY

29.09.2020