

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

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

W.P. No. 8824 of 2018
and
W.M.P. No. 10691 of 2018

M/s. Royal Yarns Coimbatore Ltd.,
Rep. by its Director,
Mr. B. Balusamy,
S/o. Balasundaram,
No. 4/32, 7th Cross Street,
Tiruppur - 641 602. Petitioner

-vs-

1. The Assisnat Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Dr. Balasundaram Road,
Coimbatore - 18.
2. The Regional Provident Fund Commissioner - I,
O/o. The Regional Provident Fund Commissioner,
Dr. Balasundaram Road,
Coimbatore - 641 018.
3. The Enforcement Officer, CC21,
District Office,
Tiruppur. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the First Respondent in Ref. No. TN/RO-CBE/PDC/CC21/87130/2017 dated 30.05.2017 and quash the same.

For Petitioner : Mr. Gopalakrishnan for Mr. S. Gunalan

For Respondents: Mr. C. Kulanthaivel,
Standing Counsel (for R1 & R2)

O R D E R
(through video conference)

Heard Mr. Gopalakrishnan for Mr. S.Gunalan, Learned Counsel for the Petitioner and Mr. C.Kulanthaivel, Learned Standing Counsel for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by an order no. TN/R.O./CBE/PDC/CC21/87130/148 PROCEEDING/2017 dated 24.04.2017 had levied damages under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short) against the Petitioner for delayed remittance of Provident Fund dues, which has been challenged by the Petitioner in the appeal in E.P.F.A. No. 400 of 2018 before the Appellate Authority under Section 7-I of the Act. Since the Second Respondent by order no. TN/RO-CBE/PDC/CC 21 87130/2017 dated 30.05.2017 has sought for recovery of the dues even before the aforesaid appeal preferred by the Petitioner has been disposed, this Writ Petition has been filed challenging the same.

3. Learned Standing Counsel appearing for the First and Second Respondents, on instructions, states that after the filing of the Writ Petition, the Appellate Authority has on 06.09.2019 passed an interim order in E.P.F.A. No. 400 of 2018 staying the order impugned in that appeal till its disposal and has directed that the notice issued under Section 8-F of the Act, which is impugned in this Writ Petition, if not executed, to be recalled. He has also produced a copy of the aforesaid order, which is placed on record. In view of the subsequent events, nothing remains for further consideration in this Writ Petition. It is left open to the Petitioner, if he still has any grievance in the matter, to work out his rights before the proper forum in the manner recognized by law.

4. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vjt

To

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Tiruppur.

+lcc to Mr.C. Kulanthaivel, Advocate SR.No.25333

W.P. No. 8824 of 2018

BR(CO)
GMY(07/08/2020)



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