

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 27730 of 2013

Triumph International (India) Private Limited,
240 B, Sengundram Village,
Maraimalai Nagar,
Kanchipuram District,
Chennai - 603 204.
Rep. By its Deputy Finance Manager

... Petitioner

-vs-

The Regional Provident Fund Commissioner - II (Compliance),
Employees Provident Fund Organisation,
Regional Office Tambaram,
3, Rajaji Salai,
Chennai - 600 045.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent from continuing proceedings initiated pursuant to his summons in No. TB/TAM/RO/50125/Enf/T-5/2013 and direct the Respondent from continuing the enquiry till such time the pronouncement of the judgment of the Supreme Court on the issue.

For Petitioner : Mr. S. Haroon AL Rasheed
for M/s. T.S. Gopalan & Co.

For Respondent : Mr. K. Ramu, Standing Counsel

O R D E R
(through video conference)

Heard Mr. S. Haroon AL Rasheed of M/s. T.S. Gopalan & Co., Learned Counsel for the Petitioner and Mr. K. Ramu, Learned Standing Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondent from continuing proceedings initiated pursuant to his summons issued in no. TB/TAM/RO/50125/ Enf/T-5/2013 and direct him not to continue enquiry till the pronouncement of the

judgment of the Hon'ble Supreme Court of India on the issue.

3. This Court by an interim order dated 11.10.2013 held that the Respondent is at liberty to pass orders, but the same shall not be given effect without the permission of this Court. Learned Counsel for the Respondent states that in pursuance thereof, the Respondent by order no. TB/TAM/RO/50125/ Enf/T-5/2013 dated 04.11.2013 has passed final orders and has produced a copy thereof, receipt of which has been acknowledged by the Learned Counsel for the Petitioner.

4. It is further informed by the Learned Counsel for both sides that the Hon'ble Supreme Court of India in Surya Roshini Ltd. -vs- Employees Provident Fund (Order dated 28.02.2019 in Civil Appeal Nos. 3965-3966 of 2013) has made the authoritative pronouncement on the question involved in the matter.

5. In view of the subsequent developments, the order no. TB/TAM/RO/50125/ Enf/T-5/2013 dated 04.11.2013 passed by the Respondent under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 shall be treated as delivered to the Petitioner today including for the purpose of reckoning limitation for preferring appeal against that order before the Appellate Authority.

6. The Writ Petition is disposed on the aforesaid terms. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vjt

To

The Regional Provident Fund Commissioner - II (Compliance),
Employees Provident Fund Organisation,
Regional Office Tambaram,
3, Rajaji Salai,
Chennai - 600 045.

+1 cc to M/s.T.S.Gopalan & Co Advocate sr25266

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