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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

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

W.P.NO.6512 OF 2020

AND

W.M.P.NO.7729 OF 2020

Dixcy Textiles Private Limited
Represented by its Chief Unit Manager
Mr.K.Ravi, No.10/5-N, Maniosai Nagar
Poosaripalayam (PO), Chengapalli
Tiruppur - 638 812.

... Petitioner

-vs-

Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, S.J.Plaza
Swarnapuri, Salem - 636 004.

... Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of impugned notice dated 02.03.2020 passed by the Respondent to quash the same and directing the Respondent not to take any coercive action until disposal of our interim stay and waiver petitions filed along with main Appeal on 09.03.2020 before the EPFAT (CGIT), Chennai challenging the order dated 04.02.2020.

For Petitioner : Mr.P.Thangaraj

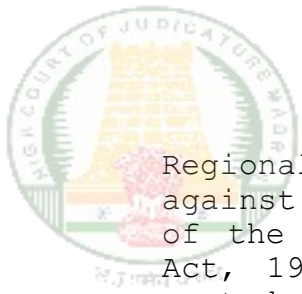
For Respondent : Mr.R.Thirunavukarasu

O R D E R

(through video conference)

Heard Mr.P.Thangaraj, Learned Counsel for the Petitioner, and Mr.R.Thirunavukarasu, Learned Central Counsel appearing for the Respondent 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. Ref CB/RO/SLM/COMP-II/90302/E-II/2020 dated 04.02.2020 passed by the



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Regional Provident Fund Commissioner-I, had preferred an appeal against that order in E.P.F.A. No. 60 of 2020 under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, before the Appellate Authority, which has not been posted for admission due to the prevailing covid situation. According to the Petitioner, the 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.CB/SLM/COMP-II/90302/-II/2020 dated 02.03.2020, which is impugned in this Writ Petition, and has sought for consequential direction to restrain the Respondent from taking any coercive action until disposal of the interim stay and waiver petitions filed along with E.P.F.A. No. 60 of 2020 on 09.03.2020 before the Appellate Authority.

3. Learned Standing Counsel appearing for the Respondent, on instructions, states that the Appellate Authority by a notice F.No.Misc/.2020 dated 01.07.2020 has informed that in view of the extension of the lockdown till 31.07.2020, the appeals which were listed for admission, will be rescheduled for hearing on admission to different dates and during that period, the respective Respondents have been directed not to take any coercive steps against the Appellant till the rescheduled date of admission, and he has produced a copy of the same, which is placed on record.

4. Having due regard to the aforesaid subsequent events, the Respondent shall await for orders to be passed in the stay application in E.P.F.A. No. 60 of 2020 by the Appellate Authority, and shall not take any coercive action against the Petitioner for recovery of the amounts under the order No. No. CB/SLM/COMP-II/90302/-II/2020 dated 02.03.2020 till orders thereon are communicated to the parties.

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

Sd/-

Assistant Registrar(ADI-MDU)

//True Copy//

Sub Assistant Registrar

Maya



To

Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, S.J.Plaza
Swarnapuri, Salem - 636 004.

W.P.No.6512 of 2020

PVS (CO)
CS/13/07/2020