

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 24050 of 2016
and
W.M.P. No. 20558 of 2016

M/s. Madras Engineering Industries Private Limited,
No. 2, 5 & 6, SIDCO Industrial Estate,
Maraimalai Nagar,
Chennai - 603 209.

... Petitioner

-vs-

The Regional Provident Fund Commissioner - II (C&R),
Regional Office - Tambaram,
Employees Provident Fund Organisation,
No. 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. TN/RO/TBM/ENF/T-5/ 5631-A-/7A Summons 2016 dated 26th February 2016 and direct the Respondent not to enforce the order, if any, issued till such time the Supreme Court pronounces its judgment of on the issues.

For Petitioner : Ms.D.Veda for Mr. Meenakshisundaram

For Respondent : Mr. K. Ramu, Standing Counsel

O R D E R
(through video conference)

Heard Ms. D.Veda for Mr. Meenakshisundaram, Learned Counsel for the Petitioner and Mr. K.Ramu, Learned Standing Counsel for the Respondent, 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. TN/RO/TBM/ ENF/T-5/ 5631-A-/7A Summons 2016 dated 26.022016 and direct him not to enforce the order, if any, issued till such time the Hon'ble Supreme Court of India

pronounces its judgment on the issues.

3. It is 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. In view of the same, the Respondent shall proceed to determine the matter following the prescribed procedure after affording full opportunity of hearing to all persons concerned including the Petitioner, consider each of the contentions raised by the parties and pass reasoned orders on merits in accordance with law and communicate the decision taken to them under written acknowledgment.

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

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

vjt

To

The Regional Provident Fund Commissioner - II (C&R),
Regional Office - Tambaram,
Employees Provident Fund Organisation,
No. 3, Rajaji Salai,
Chennai - 600 045.

W.P. No. 24050 of 2016

ad(co)
aa12/08/2020