

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

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

W.P. No. 23017 of 2018
and
W.M.P. No. 26913 of 2018

V.K.Abdul Jabbar Sahib Sons
Rep. by its Partner V.R. Anwarr Basha
100 Mark Beedi Manufactures
139, Kalanikattu Street,
Virudhampet, Vellore - 632 006. Petitioner

-vs-

The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Sub Regional Office, S1, TNHB, Phase III,
Sathuvachari, Vellore - 632 009. 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 the Respondent in Proceedings No. TB/VL/8213/Enf/Div.II/2018 dated 13.08.2018 passed under Sec.7B of EPF Act, quash the same and further direct the Respondent to entertain the Review application dated 08.06.2018 filed by the Petitioner after granting sufficient opportunity to the petitioner.

For Petitioner : Mr. Anand Gopalan
for M/s.T.S.Gopalan and Co.

For Respondent : Ms. V.J.Latha (Standing Counsel)

ORDER

(through video conference)

Heard Mr. Anand Gopalan, Learned Counsel for the Petitioner and Ms. V.J.Latha, Learned Standing Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner in this Writ Petition has assailed the Order No. TB/VL/ 8213/Enf/Div.II/2018 dated 13.08.2018 passed by the Respondent under Section 7-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short) refusing to entertain the Review Application dated 08.06.2018 filed by the Petitioner against the Order No. TN/VL/ 8213/Compl/Enf.2 dated 23.05.2018 passed by the Respondent under Section 7-A of the Act.

3. It is pointed out by the Learned Standing Counsel for the Respondent that the Petitioner has an effective alternative remedy to file an appeal against the order impugned in this Writ Petition before the Appellate Authority under Section 7-I(5) of the Act.

4. In view of the aforesaid submission made, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort the aforesaid procedure. He has also filed a memo to that effect through e-mail dated 07.08.2020, which is placed on record.

Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 04.09.2018, till today, viz., 07.08.2020, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

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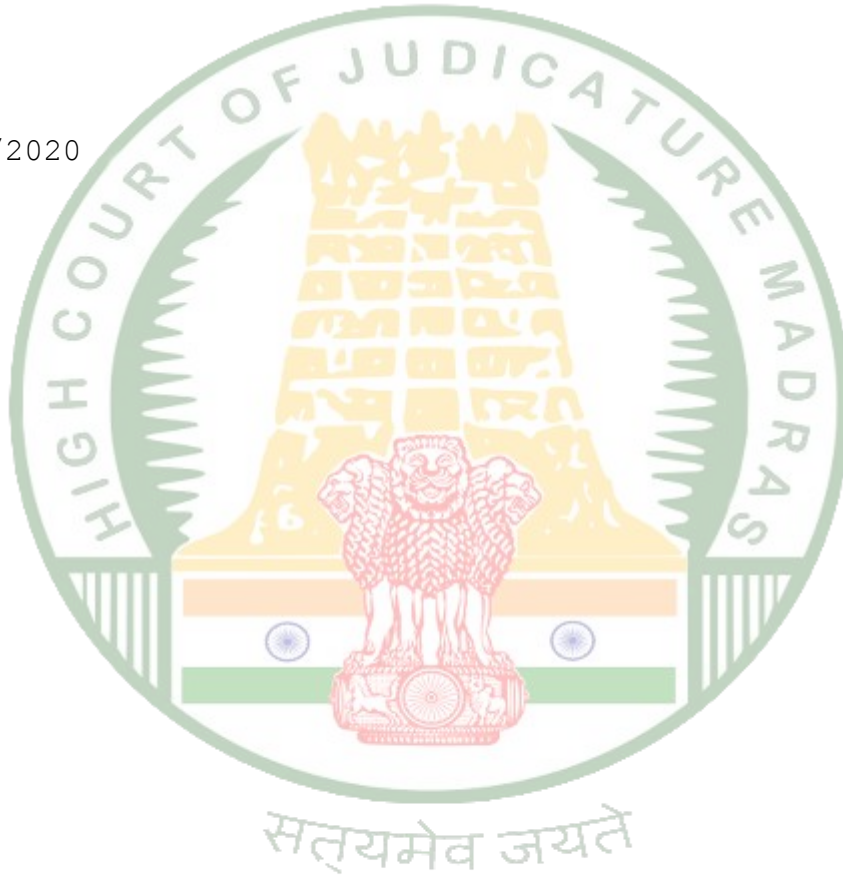
The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation
Sub Regional Office, S1, TNHB, Phase III,
Sathuvachari, Vellore - 632 009.

Copy to

The Section Officer,
Writ Section,
High Court, Madras.

W.P. No. 23017 of 2018

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srg 14/08/2020



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