



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.17344 of 2018

M/s.Mosmetro India (P) Ltd.,
Represented by its Power Agent and
Authorized Signatory U.Vijay Metha
No.88/150, Dharma towers
II Floor, Office No.9,
Nelson Manickam Road, Choolaimedu
Chennai-600 094.

...Petitioner

vs.

The Regional Provident Fund Commissioner-I
Regional Office
Employees' Provident Fund Organisation
37, Royapettah High Road,
Chennai-600 014.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in the order bearing No.TN/(85005)/D-17/MAS/PDC/2017-2018 dated 29.05.2018 passed by the respondent under Section 14-B of the Employees' Provident Fund Act, culminated in TN/(85005)/D-17/MAS/PDC/2017 dated 29.05.2018 passed by the respondent under Section 7-Q of the Employees' Provident Fund Act and quash the same.

For Petitioner : Mr.U.Vijay Metha
for M/s.V.Legal Empire

For Respondent : Mr.T.R.Sundaram

O R D E R

This writ petition is filed challenging the demand made under Sections 7-A, 7-Q and 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. It is represented by the learned counsel for the petitioner that during the pendency of this writ petition, based on the affidavit of undertaking given by the petitioner, the petitioner has discharged their liability towards the demand made under Sections 7-A and 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. He



also submitted that insofar as the demand made under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, is concerned, the petitioner has already approached the Central Government Industrial Tribunal seeking for waiver and the said proceedings are still pending before the concerned authority. Therefore, he submitted that based on the undertaking affidavit filed before this Court to the above effect, the petitioner may be given liberty to work out their remedy before the concerned authority, where their application for waiver against the demand made under Section 14-B is pending.

3. The learned counsel for the respondent is not disputing the above submissions made by the petitioner's counsel.

4. In view of the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of, by granting liberty to the petitioner to work out their remedy before the concerned authority, where they have filed the application seeking for waiver of damages. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

mk

To

The Regional Provident Fund Commissioner-I
Regional Office
Employees' Provident Fund Organisation
37, Royapettah High Road,
Chennai-600 014.

+1cc to Mr.T.R.Sundaram, Advocate SR.No.17094

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RSV(CO)

GMV(18/03/2020)