

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

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

W.P. No. 18813 of 2014

M/s. Forward Shoes (India) (P) Limited,
No. 7, MGR Nedunchalai, Nagalkeni,
Chrompet, Chennai - 600 044.

Rep. by its Managing Director

... Petitioner

-vs-

1. The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office - Tambaram,
No. 3, Rajaji Salai,
Chennai - 600 045.

2. The Enforcement Officer,
Employees' Provident Fund Organisation,
Regional Office - Tambaram,
No. 3, Rajaji Salai,
Chennai - 600 045.

3. State Bank of India,
Stressed Asset Management Branch,
No. 32, Red Cross Buildings,
Montieth Road,
Egmore,
Chennai - 600 008.

4. JM Financial Asset Reconstruction Company Pvt. Ltd.,
Regd. Office, 7th Floor, Cnergy,
Appasaheb Marathe Marg,
Prabhadevi,
Mumbai - 400 025. ... Respondents
(R3 and R4 impleaded as per order dated 20.08.2014
in M.P. No. 3 of 2014)

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 Second Respondent
proceedings Ref. No. TB/TAM/RO/10860A,62010/2014 dated
30.06.2014, quash the same and direct the Second Respondent not

to initiate any prosecution in respect of the amount mentioned in the communication without resorting to other modes of recovery.

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

For Respondents: Mr. K. Ramu, Standing Counsel
(for R1 & R2)

Mr. Senthilkumar (for R3)

O R D E R
(through video conference)

The Writ Petition challenges the notice in Reference No. TB/TAM/RO/10860A,62010/2014 dated 30.06.2014 issued by the Second Respondent to show cause as to why prosecution should not be launched against the Petitioner.

2. Learned Standing Counsel appearing for the First and Second Respondents has produced a letter dated 24.07.2020 from the Second Respondent addressed to him in which it has been stated as follows:-

"The above Writ Petition which has been filed challenging this Office Show cause notice dated 30/06/2014 as to why prosecution should not be initiated against the petitioner in r/o the EPF dues Assessed under Section 7A of the EPF & MP Act 1952.

We are to state that M/s.Forward Shoes have remitted the 7A dues in full as assessed by this Office. Thus, we do not intend to initiate any new prosecution proceedings against the Petitioner.

We have already filed about 90 cases earlier against the petitioners and in r/o those cases also the Writ Petitioner has already filed appropriate proceedings and obtained interim order.

The copy of the aforesaid letter which has been sent through e-mail, is placed on record. Nothing remains for further consideration in this Writ Petition.

Accordingly, the Writ Petition is disposed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vjt

To

1. The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office - Tambaram,
No. 3, Rajaji Salai,
Chennai - 600 045.

2. The Enforcement Officer,
Employees' Provident Fund Organisation,
Regional Office - Tambaram,
No. 3, Rajaji Salai,
Chennai - 600 045.

3. The Branch Manager,
State Bank of India,
Stressed Asset Management Branch,
No. 32, Red Cross Buildings,
Montieth Road,
Egmore,
Chennai - 600 008.

+1cc to M/s. T.S. Gopalan & Co, Advocate SR.No.25265

W.P. No. 18813 of 2014

RLD(CO)
GMY(03/08/2020)

सत्यमेव जयते

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