

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.28030 of 2019
and
W.M.P.No.27648 of 2019

R.P.Telebuy Skyshop Pvt. Ltd.,
Prince Infor Park, Tower A, 2nd Floor
Plot No.31S(SP), B-81, 2nd Main Road,
Ambattur Industrial Estate
Chennai-600 058
Rep. by its Director. ... Petitioner

vs.

- 1.The Regional Provident Fund Commissioner-I
EPF Organization
Regional Office, Ambattur
R-40, A-1, TNHB Office-cum-Shopping Complex
Mugappair East,
Chennai-600 037.
- 2.The Recovery Officer
Office of the Recovery Officer
EPF Organization
Regional Office, Ambattur
R-40, A-1, TNHB Office-cum-Shopping Complex
Mugappair East,
Chennai-600 037. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to consider the review petition dated 10.09.2019 filed under Section 7B of the EPF Act after condoning the delay within a time frame fixed by this Court and not to initiate any recovery proceedings pursuant to Section 7A order dated 12.12.2018 in proceedings No.TN/RO/AMB/CC-I/A-1/67232/2018 pending disposal of the review petition.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.,
For Respondents : Mr.J.Sathya Narayana Prasad
standing counsel

O R D E R

This writ petition is filed seeking for a direction to the respondents to consider the review petition dated
<https://hcservices.ecourts.gov.in/hcservices/>

10.09.2019 filed under Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, after condoning the delay and not to initiate any recovery proceedings pursuant to the order dated 12.12.2018 passed under Section 7A of the EPF & MP Act, 1952, pending disposal of the review petition.

2. Heard both sides.

3. It is seen that the petitioner herein suffered an order dated 12.12.2018 passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. It is further seen that the petitioner filed a review petition dated 10.09.2019 under Section 7B(1) of the EPF&MP Act, 1952, before the first respondent along with an application to condone the delay in filing the said review petition. It is admitted by the learned counsel for the petitioner that the said application seeking to condone the delay is still pending and no order is passed so far. At this stage, the present writ petition is filed seeking for a positive direction to the first respondent to consider the review petition after condoning the delay.

4. This Court is of the view that when an application is filed before the first respondent, it is for him to consider the said application and pass appropriate orders in accordance with law. Therefore, even before passing an order in the said application, the petitioner is not justified in seeking for a positive direction to condone the delay.

5. Accordingly, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of, only with a direction to the first respondent to consider the application filed by the petitioner seeking condonation of delay and pass orders on the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, no coercive action shall be taken against the petitioner to recover the amount referred to in the order dated 12.12.2018 passed under Section 7A of the Industrial Disputes Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Regional Provident Fund Commissioner-I
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R-40, A-1, TNHB Office-cum-Shopping Complex
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Office of the Recovery Officer
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Mugappair East,
Chennai-600 037.

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 5388
+1cc to Mr.J.Sathya Narayan Prasad, Advocate, S.R.No. 5179

W.P.No.28030 of 2019

AD(CO)
GN(28/01/2020)



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