

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

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

W.P. No. 30886 of 2017
and
W.M.P. No. 33811 of 2017

M/s. Unipres India Private Limited,
RNS - 6, SIPCOT Industrial Growth Centre,
Oragadam, Vadakkuppattu (Post),
Sriperumbudur Taluk,
Kancheepuram Dist - 603 204,
Rep. by Mr. Susairaj,
Head - IR & Authorized Signatory ...Petitioner

-vs-

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
SRO Ambattur,
TNHB Shopping Cum Office Complex,
Chennai - 600 037. ...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 with the proceedings initiated against the Petitioner under Section 7-A of the EPF Act vide Notice ref: No. TN/SRO/AMB/CC-I/Area - 5/53797/2017 dated 01.06.2017 till the pronouncement of the judgment by the Division Bench of this Court in W.A. Nos. 982, 985, 1026, 1343 and 1344 of 2011 and Civil Appeal Nos. 3965-3966/2013 by the Hon'ble Supreme Court. सत्यमेव जयते

For Petitioner : Mr. R.Jayaprakash
For Respondent : Mr. J.Sathyanarayanaprasad,
Standing Counsel

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O R D E R
(through video conference)

Heard Mr. R.Jayaprakash, Learned Counsel for the Petitioner and Mr. J.Sathyanarayanaprasad, Learned Standing Counsel appearing for the Respondent and 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 with the proceedings against the Petitioner pursuant to Notice No. TN/SRO/AMB/ CC-I/Area - 5/53797/2017 dated 01.06.2017 under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, till the pronouncement of the Judgment by the Division Bench of this Court in W.A. Nos. 982, 985, 1026, 1343 and 1344 of 2011 and Civil Appeal Nos. 3965-3966 of 2013 by the Hon'ble Supreme Court of India.

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 Respondents 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, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vjt

To

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
SRO Ambattur,
TNHB Shopping Cum Office Complex,
Chennai - 600 037.

+1cc to M/s.R.Jayaprakash, Advocate, SR.NO.30866

W.P. No. 30886 of 2017

VSN II (CO)
KKV/25/09/2020