



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD)No.15768 of 2020

and

W.M.P (MD)No.13210 of 2020

M/s.Sri Ganapathy Mills Company Limited.,
Represented by its Managing Director,
K.Vee Rajendran, A-Unit, Madurai Road,
Shankar Nagar, Tirunelveli-627 357

... Petitioner

vs.

1.The Secretary,
Department of Ministry of Labour and Employment,
New Delhi.

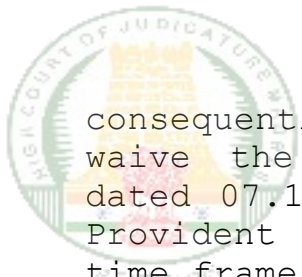
2.The Central Board,
EPFO Head Office,
Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi - 110 066.

3.The Commissioner,
Employment Provident Fund Organization,
Madurai Region, Madurai.

4.The Assistant Commissioner,
Employment Provident Fund Organization,
Regional Office,
Bhavishya Nidhi Bhavan,
NGO, 'B' Colony,
Tirunelveli - 627 007.

... Respondents

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 4th respondent's impugned order in No.CB/TNY/273/730/14B(2019)/PDC1(1)/2020 dated 11.02.2020 issued U/s-14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and consequential order No.CBE/TNY/PDC-1(1)/273/2020 dated 05.03.2020 issued U/s.8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and quash the same as devoid of merits and barred by law of limitation and



consequently directing the second respondent to pass orders to waive the same by considering the petitioner's representation dated 07.10.2020 made U/s.14B proviso and 32-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 within the time frame stipulated by this Court.

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For Petitioner : Mr.A.Haja Mohideen
For R-1 & R-2 : Mr.R.Rajaraman
Special Standing Counsel

ORDER

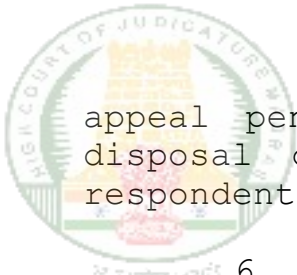
The Writ Petition is filed to call for the records of the 4th respondent's impugned order in No.CB/TNY/273/730/14B(2019)/PDC1(1)/2020 dated 11.02.2020 issued U/s-14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and consequential order No.CBE/TNY/PDC-1(1)/273/2020 dated 05.03.2020 issued U/s.8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and quash the same as devoid of merits and barred by law of limitation and to direct the second respondent to pass orders by considering the petitioner's representation dated 07.10.2020 made U/s.14B proviso and 32-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, within a stipulated time.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel, who takes notice for the respondents 1 and 2. In view of the order going to be passed, there is no need to issue notice to the respondents 3 and 4.

3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that the petitioner Mill was started in the year 1947 and the petitioner Unit was brought under the purview of the Employees Provident Funds and Miscellaneous Provision Act, 1952 and the contribution towards Employment Provident Fund collected was duly paid by the petitioner with some delay. While the matter stood thus, without giving opportunity to the petitioner, vide the impugned order dated 11.02.2020, the fourth respondent directed the petitioner to pay a sum of Rs.21,34,610/- within fifteen days. Against which, the petitioner preferred an appeal before the second respondent on 07.10.2020 and the same is still pending.

5. The learned counsel appearing for the petitioner submitted that the petitioner Mill is under financial loss and therefore, the petitioner is unable to clear the dues and liabilities and therefore, he confines his prayer that there is



appeal pending before the second respondent and he only seeks disposal of the appeal said to be pending before the second respondent.

6. The learned Standing Counsel appearing for the second respondent submitted that the appeal filed by petitioner would be considered on merits and in accordance with law, within a time frame as fixed by this Court.

7. Considering the nature of the relief as sought for by the petitioner, without going into the merits of the case, the second respondent is directed to consider the appeal filed by the petitioner dated 07.10.2020 and dispose of the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To

1.The Secretary,

Department of Ministry of Labour and Employment,
New Delhi.

2.The Central Board, EPFO Head Office,

Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi - 110 066.

+1 CC to Mr.R.RAJARAMAN, Advocate (SR-21709[F] dated 10/11/2020)

W.P(MD)No.15768 of 2020

10.11.2020

SSS(CO)

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