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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

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

W.P. No. 10001 of 2013

Swami Vivekananda Matriculation School,
No. 1/7A, Naidu Street,
Ramapuram,
Chennai - 600 089,
rep. by its Chairman,
Dr. K.Minraj,
Son of Thiru Kuppa Gounder.

... Petitioner

-vs-

1. The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organization,
3, Rajaji Salai,
Tambaram,
Chennai - 600 045.

2. The Recovery Officer,
Sub Regional Office,
EPF Organization,
Tambaram,
Chennai - 600 045.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the record pertaining to the impugned proceedings issued by the First Respondent TN/RO/TBM/ENF/T-6/61503/2013 dated 07.02.2013 and the consequential impugned proceedings issued by the Second Respondent in TN/SRO/TBM/61503/ENF/RECY/T-6/2013 dated 21.03.2013 and quash the same in respect of the Petitioner School.

For Petitioner : Mr. G.Sankaran

For Respondents : Mr. R.Vishnu, for M/s.K.Ramu
1 & 2 Standing Counsel

O R D E R
(through video conference)

Heard Mr. G.Sankaran, Learned Counsel for the Petitioner and Mr. R.Vishnu, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Writ Petition challenges the order No. TN/SRO/TBM/ENF/T-6/61503/2013 dated 07.02.2013 passed by the First Respondent determining the contribution towards provident fund payable by the Petitioner under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short).

3. Learned Standing Counsel for the Respondents contends that the Petitioner was entitled to prefer appeal against that order under Section 7-I of the Act within a period of 60 days from the date of its receipt in terms of Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, before the Appellate Authority, who has been empowered to condone delay in filing such appeal for an extended period of 60 days, if sufficient cause for not preferring appeal within that period is made out.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure for challenging the order No. TN/SRO/TBM/ENF/T-6/61503/2013 dated 07.02.2013 passed by the First Respondent under Section 7-A of the Act and he has filed a memo dated 26.10.2021 to that effect, which is placed on record.

In the result, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 09.04.2013, till the date on which certified copy of this order is made ready by the Registry, shall be excluded. No costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

vjt/skr

To

1. The Assistant Provident Fund Commissioner (C&R),
Employees Provident Fund Organization,
3, Rajaji Salai,
Tambaram,
Chennai - 600 045.



2. The Recovery Officer,
Sub Regional Office,
EPF Organization,
Tambaram,
Chennai - 600 045.

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+1cc to Mr.K.Ramu, Advocate SR.No.55530

+1cc to Mr.G.Sankaran, Advocate SR.No.55284

W.P. No. 10001 of 2013

GSM(CO)

GMV(02/11/2021)