



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.10244 of 2016

Streamline Logistics Private Limited  
Represented by its Authorized Signatory  
Mr.V.S.Krishnakumar  
No.30, Ground Floor, Lakshmi Chambers  
Chennai - 600 015.

... Petitioner

Vs.

1. The Regional Provident Fund Commissioner  
Employees Provident Fund Organisation  
RO Chennai, No.37 Royapettah High Road,  
Chennai - 600 014.

2. Assistant Provident Fund Commissioner  
Employees Provident Fund Organisation,  
RO Chennai, No.37 Royapettah High Road,  
Chennai - 600 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to refund Rs.10,08,505/- (Rupees Ten Lakh Eight Thousand Five Hundred and Five only) which has been recovered by the 2<sup>nd</sup> respondent as damages from the petitioners Bank under Section 8F of The Employees Provident Fund and Miscellaneous Act, 1952 by order dated 15.02.2016 bearing No.TN/93250/RO/CHN/PDC/D-11/8F/2015.

For Petitioner : Mr.P.V.Balasubramanian  
for M/s.BFS Legal

For Respondents : Mr.T.R.Sundaram

O R D E R

Seeking a direction to the respondents to refund a sum of Rs.10,08,505/- (Rupees Ten Lakh Eight Thousand Five Hundred and Five only), which was recovered by the second respondent towards damages under Section 8F of the Employees Provident Fund and Miscellaneous Act, 1952, the present writ petition has been filed by the petitioner.



2. Upon hearing the matter, this Court pointed out that there is an alternative remedy available to the petitioner as against the order dated 15.02.2016 passed by the second respondent, for which, the learned counsel appearing for the petitioner submitted that the petitioner is inclined to invoke the alternative remedy and hence, sought leave of this Court for availing such remedy.

3. The learned counsel appearing for the respondents has no serious objection for granting such relief to the petitioner.

4. In view of the above, the petitioner is granted liberty to file appeal before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. On such filing, the Appellate Authority shall entertain the same without raising any issue with regard to limitation aspects and dispose of the same, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks thereafter.

5. This writ petition stands disposed of with the above terms. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Regional Provident Fund Commissioner  
Employees Provident Fund Organisation  
RO Chennai, No.37 Royapettah High Road,  
Chennai - 600 014.

2. Assistant Provident Fund Commissioner  
Employees Provident Fund Organisation,  
RO Chennai, No.37 Royapettah High Road,  
Chennai - 600 014.

+1cc to M/s.BFS Legal, Advocate, S.R.No.27802

W.P.No.10244 of 2016

LN(CO)  
CB(19/07/2021)