



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

:CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.13446 of 2011

and

M.P.No.1 of 2011

Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhavan, Dr.Balasundaram Road,
Coimbatore-641018.

....

Petitioner

-vs-

1.M/s. GTK Textiles Pvt. Limited.,
Represented by its Managing Director,
102 Dhally Road,
Udumalpet 642 126

2.Employees Provident Fund Appellate Tribunal,
New Delhi.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings of 2nd Respondent dated 15.04.2011 in Ref. No.ATA No.706 (13) of 2009, and quash the order passed therein.

For Petitioner : Mr.J.Sathyanarayana Prasad

For Respondents: Mr.Manoharan (R1)

O R D E R

This Writ Petition has been filed challenging the order of the second respondent dated 23.07.2021, by which the second respondent while remanding the matter back to the EPF Authority to assess the liability @ 17% (inclusive of interest), directed the first respondent to appear before the authority, within a period of one month of the receipt of his order to place his case, failing which, the Authority may decide the matter as per law.

2. When the matter is taken up for hearing, Mr.M.Manoharan, learned counsel appearing for the Management submitted that in order to give quietus to the issue, the Management has agreed to remit 60% EPF assessed amount towards damages, which comes around Rs.7,06,660/- and also forwarded a Memo dated 22.07.2021



to the Registry to that effect. Learned counsel for the Petitioner / EPF also, on instructions, consented for the above settlement. Learned counsel for the Management further submitted that a portion of the amount had already been deposited, which can be adjusted from 60% of the assessed amount, payable by the employer to the EPFO. For the sake of convenience, the contents in the Memo dated 22.07.2021 are extracted hereunder:

"In the above Writ Petition we are appearing for the 1st Respondent. The petitioner herein challenging the order passed by the 2nd Respondent in Ref.No.ATA No.706(13)2009. The above Writ Petition came up for final hearing before this Hon'ble Court on 22.07.2021. Considering the writ petition made by the petitioner and other relevant clauses laid down in the EPF Act 1952 hereby the 1st respondent agreed to remit 60% EPF the assessed amount of the damages the sum of Rs.7,06,660/- only.

The Honourable Court may be pleased to accept this memo and considering the pandemic situation grant 4 equal instalments to liquidate the above sum of Rs.7,06,660/- on or before 15th of every month from August 2021 and thus render justice."

3. In view of the above amicable settlement between the parties and also recording the Memo dated 22.07.2021, this Writ Petition is disposed of. It is made clear that the amount already paid, if any, by the Management shall be adjusted against 60% of the assessed amount now agreed to be paid and the remaining amount shall be paid in four equal instalments, commencing on the last working day of August 2021, and the subsequent instalments shall be paid on or before last working day of every month. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.M/s. GTK Textiles Pvt. Limited.,
Represented by its Managing Director,
102 Dhally Road,
Udumalpet 642 126

2.Employees Provident Fund Appellate Tribunal,
New Delhi.

+lcc to Mr.Parthasarathy, Advocate, S.R.No. 35330

W.P.No.13446 of 2011

BP(CO)
GN(02/08/2021)