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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.2690 OF 2021

AND

W.M.P.NO.3021 OF 2021

Precision Engineering Works,
Rep. By its Proprietor
Mr.N.Srinivasan,
S.F.No.365, Indira Garden,
Coimbatore - 641 015.

... Petitioner

Versus

Employees' Provident Fund Organisation,
Rep. By the Recovery Officer
Regional Office,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the impugned order dated 21.09.2020 bearing RRC No.CBCBE31437/0087514/23/05/2020/501/35/17 and quash the same consequently direct the respondent to refund the sum of Rs.2,83,261/- (Rupees Two Lakhs Eighty Three Thousand Two Hundred and Sixty One Only) to the petitioner.

For Petitioner : Mr.P.Anbarasan

For Respondent : Ms.R.Meenakshi
Standing Counsel

O R D E R

The order under challenge is the order passed by the Respondent/EPFO under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.



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2. Heard the submissions made on either side.

3. There is an appeal remedy available to the petitioner before the Appellate Tribunal and without exhausting the alternative remedy, the petitioner has approached this Court.

4. Considering the facts and circumstances of the case and also the fact that the petitioner has deposited the entire contribution as well as the interest as demanded by the Respondent/EPFO, liberty is granted to the petitioner to approach the Appellate Tribunal. A further direction is given to the Appellate Tribunal to consider and pass orders on the waiver petition to be filed by the petitioner, along with the appeal, as expeditiously as possible.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

TK

To

The Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office,
Post Box No.3875, Dr.Balasundaram Road,
Coimbatore - 641 018.

+1cc to Ms.R.Meenakshi, Advocate, S.R.No.20092

+1cc to Mr.P.Anbarasan, Advocate, S.R.No.20105

W.P.NO.2690 OF 2021

PMK(CO)

PBS/17/08/2021