

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MS JUSTICE R.N. MANJULA

CMP NO.2399 OF 2020

in WA.NO.165/2020

COIMBATORE POPULAR SPINNING [PETITIONER]
MILLS LTD, REP BY ITS MANAGING DIRECTOR, SRI.
G. VENKATARAMACHANDRAN, SF NO.303, PONGALUR
POST, TRICHY MAIN ROAD, PALLADAM TK,
TIRUPPUR DIST 641667.

Vs

1 THE REGIONAL PROVIDENT FUND [RESPONDENT]
COMMISSIONER, OFFICE OF THE REGIONAL
PROVIDENT FUND COMMISSIONER, BHAVISHYA NIDHI
BHAWAN, DR.BALASUNDARAM ROAD,
COIMBATORE 641018.

2 THE PRESIDING OFFICER
EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
SCOPE MINAR CORE II, 4TH FLOOR, LAKSHMI
NAGAR, NEW DELHI 110092.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant order of stay in WP No.11079 of 2014, dated 18.10.2019 on the file of this Honble Court, (CMP.NO.2399/2020) pending disposal of the above WA.165/2020

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.RAVI, FOR MR.S.GUNALAN, Advocate for the petitioner and of MS.P.MEENAKSHI, Advocate for the 1st Respondent the court made the following order:-

[Order of the Court was made by M.M.SUNDRESH, J.]

Ms.P.Meenakshi, learned counsel takes notice for the first respondent.

2.Learned counsel appearing for the petitioner submitted that the Tribunal has rightly allowed the request made for waiver of the damages, which was wrongly set aside by the learned single Judge. Though the petitioner has come out of BIFR, the discretion having been exercised, ought not to have been exercised by the learned single Judge.

3.Learned counsel appearing for the first respondent submitted that Section 14 B of the Employees Provident Fund Act can only be exercised only when there is approved scheme. In the case on hand, there is no such scheme. Secondly, the petitioner has come out of the purview of the BIFR and therefore the rigour of Section 14B of the Act certainly will have to get attracted.

4.Considering the submissions made, we are of the view that interest of justice requires that the petitioner will have to be put on terms as there are arguable points available in the appeal.

5.In such view of the matter, while granting interim stay, we deem it appropriate to direct the petitioner to pay 50% of the damages as ordered within a period of eight weeks from the date of receipt of a copy of this order especially when the petitioner has come out of the BIFR and there is no scheme in existence even now and earlier. On such compliance, interim stay will be made absolute otherwise the order would work itself out. This miscellaneous petition is disposed of accordingly.

Post the appeal for hearing on 24.08.2021.

सत्यमेव जयते -sd/-

27/04/2021

/ TRUE COPY /

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGIONAL PROVIDENT FUND
COMMISSIONER, OFFICE OF THE REGIONAL
PROVIDENT FUND COMMISSIONER, BHAVISHYA NIDHI
BHAWAN, DR.BALASUNDARAM ROAD,
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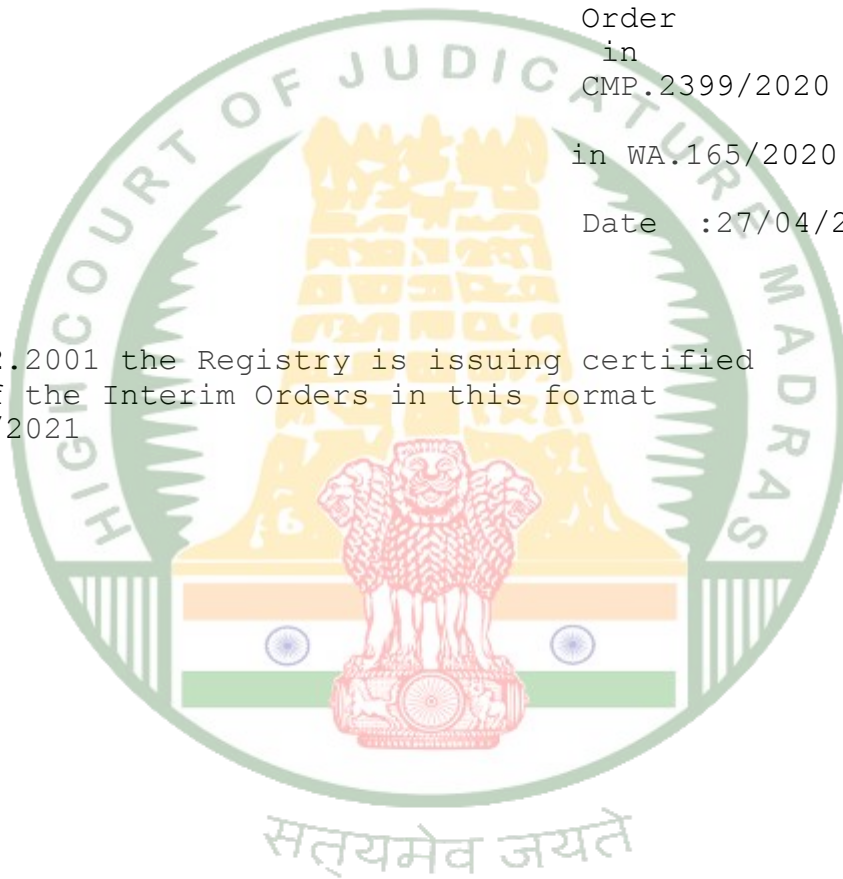
2 THE PRESIDING OFFICER
EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
SCOPE MINAR CORE II, 4TH FLOOR, LAKSHMI
NAGAR, NEW DELHI 110092.

C.C. to S.GUNALAN Advocate SR.NO. 2837/2021

C.C. MS.R.MEENAKSHI, Advocate SR.NO. 2862/2021

Order
in
CMP.2399/2020
in WA.165/2020
Date :27/04/2021

From 26.2.2001 the Registry is issuing certified
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RRI 03/05/2021



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