

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2738 of 2021

and W.M.P.No.3075 of 2021

M/s.Asian Bearing Ltd.,
Rep. by its Managing Director PL.Muthu,
Having its registered office at
No.25, Peters Road,
Royapettah, Chennai - 600 014. ... Petitioner

Vs.

1. The Regional P.F. Commissioner,
Employees Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem District - 636 302.
2. The Assistant PF Commissioner & Recovery Officer,
Employees' Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem - 636 302.
3. The Enforcement Officer,
Krishnagiri II Div.,
Employees Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem District - 636 302. ... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the impugned Show Cause Notice No.CB/SLM/Comp/17496/KNG I DN/2021, dated 25.01.2021 issued by the second respondent herein and quash the same.

For Petitioner : Mr.T.Mohan, Senior Counsel
for Mr.G.Muthukumar

For Respondent : Mr.R.Thirunavukkarasu
Standing Counsel

O R D E R

Aggrieved over the order passed u/s. 14 B and 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as EPF & MP Act) dated 25.08.2020 passed by the second respondent, the petitioner filed an appeal before the Central Government Industrial Tribunal, Chennai. The said appeal has been entertained and pending as EPFA.No.114 of 2020.

2. In the above said appeal, the petitioner has filed a petition to waive the amount to be deposited and a petition for stay. Both the petitions are pending before the Central Government Industrial Tribunal, Chennai, without disposal.

3. During the pendency of these petitions, the second respondent has issued an order u/s. 8B to 8G of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 on 25.01.2021 and the same is under challenge before this Court.

4. Mr.R.Thirunavukkarasu, learned Standing Counsel entered appearance on behalf of the respondents.

5. Heard the learned counsel appearing on both sides.

6. Admittedly, an appeal challenging the validity of the order passed u/s. 14 B and 7Q of the EPF & MP Act is pending before the Appellate Tribunal. It is also true to state that the Appellate Tribunal has power to waive the pre-conditional deposit to be made by the appellant. Simultaneously, the Appellate Tribunal has power to grant stay of the order passed by the respondent. As the matter is seized of by the Appellate Tribunal, the respondent is directed not to precipitate the issue. However, considering the objects of the beneficial legislation and also the balance of convenience, the following order is passed:-

(a) There shall be an order of stay of impugned proceedings issued u/s. 8B to 8G of the EPF & MP Act dated 25.01.2021 till the disposal of the waiver petition and stay petition pending before the Appellate Tribunal in EPFA.No.114 of 2020.

(b) The Appellate Tribunal is directed to dispose of the waiver petition and the stay petition filed by the petitioner within a period of two (2) months from the date of receipt of a copy of the order.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

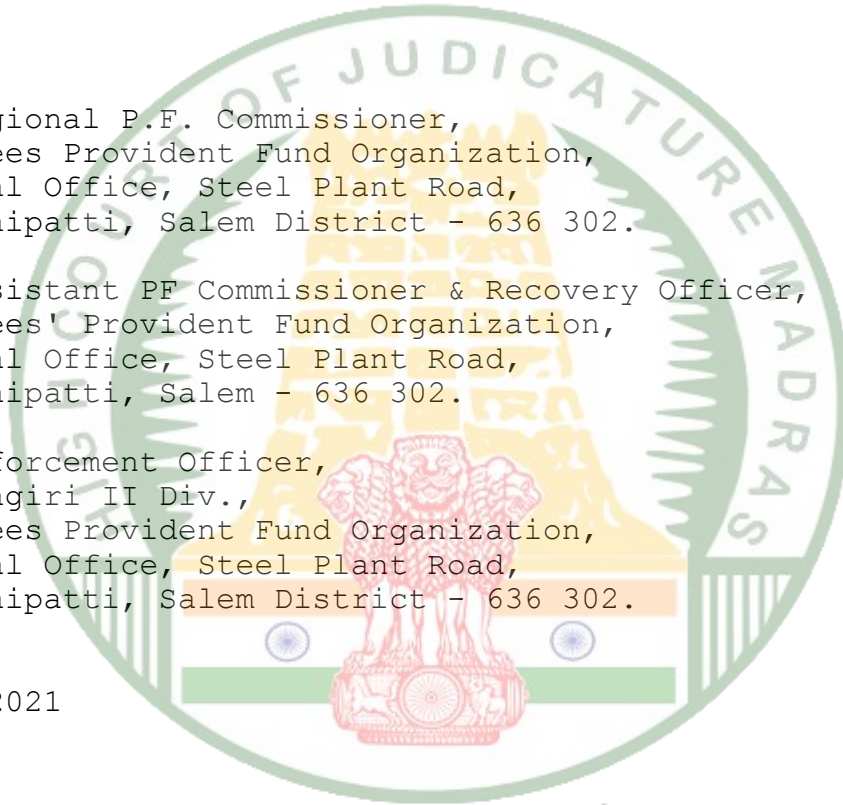
//True Copy//

Sub Assistant Registrar

asi
To

1. The Regional P.F. Commissioner,
Employees Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem District - 636 302.
2. The Assistant PF Commissioner & Recovery Officer,
Employees' Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem - 636 302.
3. The Enforcement Officer,
Krishnagiri II Div.,
Employees Provident Fund Organization,
Regional Office, Steel Plant Road,
Thalavaipatti, Salem District - 636 302.

SV(CO)
SM/01/03/2021



सत्यमेव जयते

W.P.No.2738 of 2021

and W.M.P.No.3075 of 2021

WEB COPY