



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18794 of 2012

The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Sub-Regional Office
Ambattur,
R-40, A-1, 111th floor
TNHB Office cum Shopping Complex
Mugappair Road
Mugappair
Chennai 600 037

.. Petitioner

-VS-

1. Express Publications (Madurai) Ltd.,
Rep.by its Director
2nd Main Road,
Ambattur Industrial Estate
Chennai 600 058
2. The Presiding Officer
Employees Provident Funds Appellate
Tribunal, 7th floor,
60, Skylark Buildings,
Nehru Palace, New Delhi 110 019.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 2nd respondent relating to order passed in ATA No.21(13)2011 dated 16.09.2011 and quash the same.

For Petitioner : Mr.J.Sathyanarayana Prasad
For Respondents : Mr.D.Vivekanandan for R1

ORDER

This writ petition has been filed to call for the records of the 2nd respondent relating to order passed in ATA No.21(13)2011 dated 16.09.2011 and quash the same.

2. EPFO has come forward with the present appeal challenging the order of the Tribunal dated 16.09.2011 in reducing the liability from 29% to 22%, which was fixed by the



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EPFO towards damages and interest. The Tribunal, after taking note of the factual position, accepted the case of the Management and held that non-payment of contribution by the Employer appears to be unintentional. Therefore, the Tribunal reduced the liability and remanded the matter to EPRO Authorities for fresh assessment @ 22% inclusive of interest.

3. It is seen that the order of the Tribunal is dated 16.09.2011 and almost a decade has gone-by. It is represented that the employer has also deposited the amount to the EPFO, as ordered by the Tribunal, which works out to Rs.65,804/-. In order to give quietus to the matter, EPFO is directed to accept the amount of Rs.65,804/- remitted by the employer, which can be treated as full and final settlement of the matter in question and no further orders are required in the writ petition.

4. With the above direction, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

dpq

To:

The Presiding Officer
Employees' Provident Funds Appellate Tribunal,
7th floor, 60, Skylark Buildings,
Nehru Palace, New Delhi-110 019.

+1CC to M/s.S.Vijayaraghavan, Advocate, SR.No. 36507

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GPL(CO)
B.VC (27/10/2021)