

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No. 8200 of 2021

and

W.M.P.No.8756 of 2021

M/s.Nuva Machine Works India Pvt.Ltd.,
Rep.by its Managing Director K.Sriram,
2/653/B, 1st Street,
Hare Rama Hare Krishna Nagar,
Mangalam Road, Andipalayam,
Tirupur - 641 687. ... Petitioner

Vs.

1.The Regional Provident Fund Commissioner -
II - Cum - Recovery Officer,
Employees Provident Fund Organisation,
District Office,
497, 1st Floor Palladam Road,
M/s.Muthusamy & Bros Industrial Complex,
Tirupur - 641 604.

2.The Enforcement Officer, CC-22,
District Office,
Tirupur. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 21.01.2021 issued in vide No.TN/DO/TPR/PDC/CC-22/86866/14BPROCEEDING/Diary No.172&358/2020 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to conduct fresh enquiry after affording reasonable opportunity to the petitioner.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.J.Sathya Narayana Prasad
Standing Counsel.

O R D E R

The petitioner has approached this Court on an earlier occasion and undertaken to make the payment of contribution in installments and the same was granted. As undertaken by him, he has already made four installments and

remaining installments are to be paid periodically. In such circumstances, the proceedings under Section 14 B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was initiated by the respondents.

2. From the perusal of the impugned order dated 21.01.2021, it is noted that the matter had been adjourned on several occasions. Most of the hearings were adjourned on the ground of administrative reasons. Thereafter, the respondents have chosen to conduct the enquiry through virtual hearing platform in view of the pandemic situation. The Manager of the Petitioner Company appeared and submitted that due to power failure or other technical issues he could not appear. However, the respondents have set the petitioner exparte and passed the order.

3. Considering the facts and circumstances of the case, this Court is of the considered opinion that a fair opportunity should be given to the petitioner to present his case. On several occasions, he was present. But the matter could not be proceeded on account of administrative reasons. Therefore, it is reasonable to give ample opportunity to him to contest the case on merits.

4. Accordingly, the exparte order passed by the first respondent in proceedings No. TN/DO/TPR/PDC/CC-22/86866/14B PROCEEDING / Diary No.172&358/2020 dated 21.01.2021 is set aside and the matter is remitted back to the first respondent for fresh hearing. The first respondent is directed to provide ample opportunity to the petitioner and pass orders, within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Pns

To

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497, 1st Floor Palladam Road,
M/s.Muthusamy & Bros Industrial Complex,
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2.The Enforcement Officer, CC-22,
District Office,
Tirupur.

+1cc to Mr.R.Bharath Kumar, Advocate SR.No.21706

W.P.No. 8200 of 2021

PMK (CO)
GMY (16/06/2021)



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