



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8077 of 2021

Resurgent Power Projects Ltd.,
Second Floor, Pantheon Plaza,
Old No.484/485, New No.28-30,
Pantheon Road, Egmore,
Chennai 600 008,
rep. by its Authorized Signatory

... Petitioner

Vs.

The Regional Provident Fund Commissioner-II (C & R),
Employees' Provident Fund Organization,
Bhavishya Naidhi Bhawan,
37, Royapettah High Road,
Chennai 600 014.

... Respondent

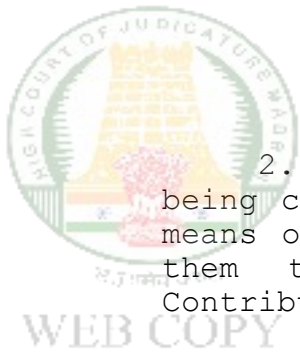
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the Respondent in Proceedings No.CHN-1/Div(28)/TN/49217/Enf/Reg1/2021 and quash its order dated 03.03.2021 and further direct the Respondent to grant adequate opportunity to the Petitioner and conduct fresh enquiry.

For Petitioner : Mr.Haroon
for Mr.T.S.Gopalan and Co.

For Respondent : Mr.K.Ramu

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the order dated 03.03.2021 passed by the Respondent vide proceedings No.CHN-1/Div(28)/TN/49217/Enf/Reg1/2021 and for a direction to the Respondent to grant adequate opportunity to them and conduct fresh enquiry.



2. According to the Petitioner/Management, enquiry was being conducted from 2017 onwards for nearly three years and by means of a crisp non-speaking order, the Authority has directed them to pay a sum of Rs.19,63,723/- as balance P.F. Contribution, apart from adjusting the amount already paid.

3. Learned counsel appearing for the Respondent/EPF Organization submitted that, commuted wages alone have been considered in the present case on hand and applying the decision of the Apex Court in the case of Manipal Academy of Higher Education vs. Provident Fund Commissioner reported in 2008 (5) SCC 428, the Authority came to the conclusion that, the balance amount determined has to be paid by the employer. According to the learned counsel, the Petitioner/Management was given sufficient opportunity to pay the balance amount and that, it is open to the Petitioner to avail the Appeal remedy or to seek Review of the order passed by the Authority concerned.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. This Court does not want to render a finding on the merits of the case, as the Petitioner/Management has got an alternative remedy either by way of a Review or by way of an Appeal. Any finding that, may be rendered touching the merits of the matter may be adverse to any one of the parties.

6. In view of the above, as the Petitioner/Management is well within time, more so, in the light of the decision rendered by the Apex Court in Manipal Academy's case (supra), this Court directs the Petitioner/Management to approach the appropriate Authority either by way of a Review or by way of an Appeal and the Petitioner/Management is expected to participate in the proceedings to bring the issue to a logical end and finality.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.8623 of 2021 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

(aeb)



To:

The Regional Provident Fund Commissioner-II (C & R),
Employees' Provident Fund Organization,
Bhavishya Naidhi Bhawan,
37, Royapettah High Road,
Chennai 600 014.

+1cc to Mr.T.S.Gopalan and Co., Advocate SR.No.29433

W.P.No.8077 of 2021

PL(CO)
GMY(19/07/2021)