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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6978 of 2013

and

M.P. No. 2 of 2013

Institute of Asian Studies,
Represented by its Founder Director and Secretary,
Dr. John Samuel,
Chemmenchery, Sholinganallur,
Chennai - 600 119.

... Petitioner

-vs-

1. The Assistant Provident Fund Commissioner,
Employer Provident Fund Organisation,
Regional Office, No. 37,
Royapettah High Road,
Chennai - 600 014.

2. The Recovery Officer,
Employer Provident Fund Organisation,
Regional Office, No. 37,
Royapettah High Road,
Chennai - 600 014.

3. The Registrar,
Employees Provident Fund Appellate Tribunal,
Scope Minar, 4th Floor, Core-2,
Laxmi Nagar, Delhi - 110 092.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order in No. CC1/16/TN/30603/Enf/Reg/2013 dated 19.02.2013 on the file of the First Respondent and the consequential notice of demand in EPFCP.1 Ref. No. TN/CHN/Recy/TN/30603 dated 19.02.2013 on the file of the Second Respondent and all acts done in furtherance thereof and quash the same as illegal, arbitrary and contrary to law and consequently, forbear the First and Second Respondents from recovering the amount due from the Petitioner till the disposal of the appeal filed by the Petitioner before the Third Respondent.

For Petitioner : Mr. S.Ramesh Kumar

For Respondents : Mr. V.Sundareswaran, Standing Counsel



O R D E R
(through video conference)

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Heard Mr. S.Ramesh Kumar, Learned Counsel for the Petitioner and Mr. V.Sundareswaran, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner preferred an appeal under Section 7-I of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'EPF Act' for short) before the Appellate Authority then situated at New Delhi, against the order No. CC1/16/TN/30603/Enf/Regl/2012 dated 29.11.2012 passed by the First Respondent under Section 7-A of EPF Act. According to the Petitioner, while his application for interim stay and waiver of pre-deposit under Section 7-O of EPF Act in that appeal was pending before the Appellate Authority, the First and Second Respondents by Order No. CC1/16/TN/30603/Enf/Regl/2013 and Order No. TN/CHN/Recy/TN/30603/Regl/2012 dated 19.02.2013 hastily initiated proceedings for recovery of the provident fund dues. Aggrieved thereby, the Petitioner has filed this Writ Petition to restrain the First and Second Respondents from proceeding with such recovery till the disposal of the appeal before the Appellate Authority.

3. It is brought to notice that after filing of the Writ Petition, the said appeal has been transferred to the file of the Central Government Industrial Tribunal cum Labour Court at Chennai, which is now the Appellate Authority, and has been taken on file as EPFA No. 246 of 2017 and has been posted for next hearing 12.11.2021 for which details from its website have been produced.

4. Having regard to the aforesaid subsequent events, the Respondents shall await the orders to be passed by the Appellate Authority in EPFA No. 246 of 2017 and shall not take any coercive measures against the Petitioner for recovery of amount due, which is the subject of that appeal, till orders are passed therein. It is made clear that the Appellate Authority is not precluded from passing any orders, either final or interim, requiring any further amount to be deposited that it may deem fit and proper in accordance with law following the prescribed procedure after hearing the concerned parties.



In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dm/vjt

To

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+1cc to Mr.V.Sundareswaran, Advocate SR.No.54494

W.P. No. 6978 of 2013

EV(CO)
GMY(09/11/2021)