



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14500 of 2021

M/s.Sodexo India Services Private Limited,
(Formerly known as
M/s.Sodexo Food Solutions India Private Ltd.,)
Block 6A, 5th Floor, Dr.Ambedkar Road,
Kodambakkam, Chennai 600 024,
rep. by its Authorised Signatory

... Petitioner

vs.

1. The Assistant Provident Fund Commissioner (C & R) /
Assessing Officer,
Employees Provident Fund Organization,
Regional Office,
No.37, Royapettah High Road,
Chennai, Tamil Nadu 600 014.

2. The Enforcement Officer - Division 27,
Employees Provident Fund Organization,
Regional Office,
No.37, Royapettah High Road,
Chennai, Tamil Nadu 600 014.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in proceedings in Diary No.53/2020, dated 22.04.2021, quash the same, direct the 1st Respondent to permit the Petitioner to cross-examine the 2nd Respondent.

For Petitioner : Mr.Anand Gopalan,
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.R.Vishnu

O R D E R

Petitioner/Management has come up with this Writ Petition seeking to quash the proceedings dated 22.04.2021 passed by the 1st Respondent vide Diary No.53/2020 and for a direction to the 1st Respondent to permit them to cross-examine the 2nd Respondent.



2. Heard Mr.Anand Gopalan, learned counsel for the Petitioner and Mr.R.Vishnu, learned counsel, who takes notice for the Respondents.

3. Two grounds have been raised by the Petitioner/Management in the Writ Petition questioning the order under challenge. Firstly, it is the contention of the learned counsel for the Petitioner/Management that, the 1st Respondent failed to appreciate one Subhasree Pradeep, who has signed the Vakalat and who is the Official designated as Authorized person in favour of the Counsel, when a Resolution is produced authorizing any one of the Officials designated as Authorized person to sign the Vakalat. This Court is of the view that, if such Resolution is available, learned counsel is entitled to represent the matter and that, the Employees Provident Fund Organization shall accept the said Vakalat.

4. Secondly, learned counsel for the Petitioner/Management contended that, the Petitioner/Management has not been permitted to cross-examine the 2nd Respondent/Enforcement Officer.

5. Mr.R.Vishnu, learned counsel appearing for the Respondents/Employees Provident Fund Organization submitted that, it is incorrect to state that, the Petitioner/Management was not allowed to cross-examine the 2nd Respondent/Enforcement Officer. It is his contention that, the Management has adopted dilatory tactics and that, without producing requisite documents, they have come with an Application to protract the proceedings.

6. Mr.Anand Gopalan, learned counsel for the Petitioner/Management submitted that, the Management is willing to produce all the documents within 15 days from the date of receipt of a copy of this order and that, they may be permitted to cross-examine the 2nd Respondent.

7. In reply, Mr.R.Vishnu, learned counsel for the Respondents categorically stated that, if the documents are produced, the Petitioner/Management will be permitted to cross-examine the 2nd Respondent/Enforcement Officer.

8. Taking note of the above submissions, this Court holds that, once documents are produced by the Petitioner/Management within fifteen (15) days from the date of receipt of a copy of this order, a specific date may be fixed for cross-examination of the parties and the matter may be proceeded with, without any further delay and the issue shall be brought to a logical conclusion.

The Writ Petition is ordered accordingly. No costs.



Consequently, connected W.M.P.Nos.15390 and 15392 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Assistant Provident Fund Commissioner (C & R) /
Assessing Officer,
Employees Provident Fund Organization,
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No.37, Royapettah High Road,
Chennai, Tamil Nadu 600 014.
2. The Enforcement Officer - Division 27,
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+1cc to Mr.T.S.Gopalan, Advocate, S.R.No. 33712

W.P.No.14500 of 2021

UM(CO)
GN(05/08/2021)