



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14975 of 2021

and

WMP.No.15859 of 2021

M/s.GOMS Electricals Pvt. Ltd,
Rep. by its Authorised Signatory-Thanigachalam. M
43, RK Nagar, First Main Road,
Mandaveli,
Chennai- 600 014.

... Petitioner

-VS-

Assistant Provident Fund Commissioner (Compliance),
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai-600 014.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondent from initiating recovery proceedings against the petitioner in terms of its Order No.CHN-1/D/26/TN/40225/Enf/Regl/2021 dated 06.07.2021 till the appeal to be filed by the petitioner is taken up for hearing by the Presiding Officer of Central Government Industrial Tribunal cum EPF Appellate Tribunal, Chennai.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeerahamed.

For Respondent : Mr.R.Vishnu (R1)

O R D E R

The petitioner has come forward with this Writ Petition forbearing the respondent from initiating recovery proceedings against the petitioner in terms of its Order No.CHN-1/D/26/TN/40225/Enf/Regl/2021 dated 06.07.2021 till the appeal to be filed by the petitioner is taken up for hearing by the Presiding Officer of Central Government Industrial Tribunal cum EPF Appellate Tribunal, Chennai.



2. Mr.R.Vishnu, learned counsel takes notice for the first respondent. By consent of both sides, this Writ Petition is taken up for hearing and disposed of at the stage of admission itself.

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3. Admittedly, the petitioner has got an appeal remedy under Section 7 (I) of the Employees Provident Fund Act, 1952. Rule 7(2) of the Employees Provident Fund Appellate Tribunal (Procedure) Rules 1997 specifies the outer time limit to prefer an appeal within 120 days (60 days+60 days). Therefore, the petitioner is permitted to file an appeal, within the time stipulated and no coercive steps shall be taken against the petitioner till a decision is taken by the Tribunal in the stay/waiver petition with Appeal that may be filed by the petitioner, in the light of the judgment of this Court in the case of Pyramid Saimira Theatre Ltd., vs. Regional Provident Fund Commissioner, Employees Provident Fund Organisation and Others [W.P. Nos. 1, 2 and 14591 of 2009] decided on 29.07.2009 . If no appeal is filed within the time limit, EPFO can proceed with coercive action.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arr

To

The Assistant Provident Fund Commissioner (Comp),
Employees Provident Fund Organisation,
(Ministry of Labour and Employment, Govt. of India)
Regional Office, Bhavishya Nidhi Bhawan,
No.37, Royapettah High Court,
Chennai-600 014.

W.P.No.14975 of 2021

NMI(CO)
SB(27/08/2021)