



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.19104 of 2021

and

W.M.P.No.20383 of 2021

M/s.Rajeswari Infrastructure Ltd.,
Rep.by its Managing Director
G. Ramamurthy,
No.18/23, 2nd Corss Street,
East C.I.T. Nagar,
Nandanam, Chennai - 600 035.

...Petitioner

-Vs-

The Assistant P.F.Commissioner (PDC),
Regional Office, Chennai (South),
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 14.07.2021 passed in No.TN/RO/CHN(South)/PDC/36953/D-15/2021/14B, No.TN/RO/CHN (South)/PDC/36953/D-15/2021/7Q on the file of the Respondent herein, quash the same and consequently direct the Respondent herein to afford an opportunity and re-hear the matter.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.Vishnu

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioner herein is aggrieved against the proceedings of the respondent herein invoking Section 14B and Section 7Q of the Employees Provident Fund And Miscellaneous Provisions Act, 1952, predominantly on the ground that no opportunity was given to them to put forth their objections and the order imposing damages and interest was made hurriedly.

3. A perusal of the order also reveals that no proper opportunity was extended to the petitioner to put forth their objections. In this background, this Court is of the view that one more opportunity can be granted to the petitioner by having remitting the matter back to the respondent for readjudication.

4. Accordingly, the impugned order dated 14.07.2021 passed by the respondent herein is set aside and the matter is remitted back to the respondent herein for re-consideration. While exercising the procedure contemplated under Section 14B and Section 7Q of the Act, the respondent shall afford due opportunity to the petitioner to put forth their objections and thereafter take further course of action. The respondent shall endeavour to pass such necessary orders, atleast within a period of 60 days from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

The Assistant P.F.Commissioner (PDC),
Regional Office, Chennai (South),
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.46298

W.P.No.19104 of 2021

RSV(CO)
SB(27/09/2021)