



WEB COPY



W.P.No.23592 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.23592 of 2021**

SAHARA LEATHERS (India)  
Rep. by its Authorised Signatory,  
Mrs.S.Renuga,  
Branch Office at First Floor,  
New No.58, Old No.33,  
8<sup>th</sup> Cross Street, Shenoy Nagar West,  
Chennai – 600 030.

...Petitioner

-Vs-

1.The Commissioner,  
Employees Provident Fund Organisation,  
Regional Office,  
S-1, TNHB Phase III,  
Sathuvachari, Vellore – 632 009.

2.The Assistant Provident Fund  
Organisation,  
Regional Office, Sathuvachari,  
Vellore – 632 009.

3.The Assistant Provident Fund  
Commissioner (Recovery),  
Regional Office, Sathuvachari,  
Vellore – 632 009.

...Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the second respondent to waive the remittance of the Employees Provident Fund pending payment towards interest and damages amount of Rs.1,68,605/- for the period from July 2017 – April 2018 and to waive the payment of remittance amount of Rs.3,56,151/- for the period from May 2018 – June 2019 totalling of the tune of Rs.5,24,756/- by considering her representation dated 13.10.2021 within a stipulated time as fixed by this Court.

For Petitioner : Mr.N.Vijaya Baskar

### **ORDER**

Since the petitioner's request to the respondents to waive remittance of the Employees Provident Fund pending payment towards interest and damages was not considered, the present writ petition has been filed. According to the petitioner, they have made a representation in this regard on 13.10.2021, which is still pending.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely.



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As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 13.10.2021 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. Accordingly, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 13.10.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, this Writ Petition stands disposed of. No costs.

**02.11.2021**

Index:Yes/No  
ata/hvk



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**M.S.RAMESH,J.**

ata/hvk

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