



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.13658 and 13659 of 2010

and M.P.Nos.2 and 2 of 2010

(Through Video Conferencing)

M/s.Pioneer Spinners

Unit of National Textiles Corporation

Rep. by its General Manager, H.S.Subramanya

Kamuthakudi, Paramakudi Taluk

Ramanathapuram District.

... Petitioner in

W.P.(MD) No.13658/2010

M/s.Kaleeswara Mills B Unit

Unit of National Textiles Corporation

Rep. by its Deputy General Manager, K.Chandran

Thondi Road, Kalayarkoil

Sivagangai District.

... Petitioner in

W.P.(MD) No.13659/2010

Vs.

1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation
No.1 Lady Doak College Road,
Chokkikulam, Madurai.

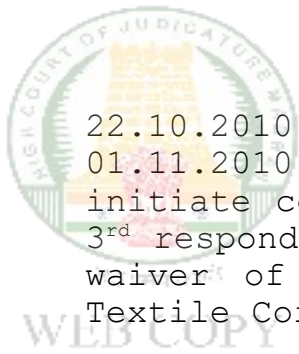
2.The Recovery Officer,
Employees Provident Fund Organisation
No.1 Lady Doak College Road, Chokkikulam, Madurai.

3.The Chief Provident Fund Commissioner,
Bhavishya Nidhi Bhavan
No.14, Bhikaji Cama place,
New Delhi 110 066.

4.The Director (Recovery)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhavan
No.14, Bhikaji, Cama place,
New Delhi

... Respondents in both W.Ps.

PRAYER in W.P. (MD) No.13658/2010: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order of the 4th respondent vide Ref. No.RRC.1140(3)/07/NTC dated 13.10.2010 and the consequential order of the 2nd respondent, vide Ref. No.M-5/TN/MDU/7707/RECY/RO/2010 dated



22.10.2010 and the subsequent order of the 2nd respondent dated 01.11.2010 and quash the same and direct the respondents not to initiate coercive action against the petitioner till such time, the 3rd respondent consider and pass final orders on the issue regarding waiver of damages in respect of the Unit Mills of M/s.National Textile Corporation limited.

PRAYER in W.P. (MD) No.13659/2010: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order of the 4th respondent vide Ref. No.RRC.1140(3)/07/NTC dated 13.10.2010 and the consequential order of the 2nd respondent vide Ref. No.M-8/TN/MDU/5648/RECY/RO/2010 dated 22.10.2010 and the subsequent order of the 2nd respondent dated 01.11.2010 and quash the same and direct the respondents not to initiate coercive action against the petitioner till such time, the 3rd respondent consider and pass final orders on the issue regarding waiver of damages in respect of the Unit Mills of M/s.National Textile Corporation limited.

For Petitioners	:Mr.Niranjan S.Kumar for M/s.V.Balaji (in both W.Ps)
For Respondents	:Mr.S.Sukumar for R1 to R4 (in both W.Ps)

COMMON ORDER

When these writ petitions are taken up for hearing, the learned counsel for the petitioners would submit that though the petitioners filed these writ petitions challenging the impugned orders of the 2nd respondent dated 22.10.2010, during the pendency of the writ petitions, another recovery order has been passed by the Provident Fund Commissioner, which came to be challenged before this Court in W.P.(MD) Nos.5224 & 5225/2015, wherein this Court passed a conditional order by directing the petitioners to deposit 50% of the remittance amount. As against the said conditional order, the petitioners filed writ appeals and the writ appeals were disposed of by the Division Bench of this Court directing the writ Court to dispose of the pending W.P.(MD) Nos.5224 and 5225/2015.

2. In view of the said submission, the writ petitions are dismissed as nothing survives for adjudication. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Regional Provident Fund
Commissioner,
Employees Provident Fund Organisation
No.1 Lady Doak College Road,
Chokkikulam
Madurai.
- 2.The Recovery Officer,
Employees Provident Fund Organisation
No.1 Lady Doak College Road,
Chokkikulam
Madurai.
- 3.The Chief Provident Fund Commissioner,
Bhavishya Nidhi Bhavan
No.14, Bhikaji Cama place,
New Delhi 110 066.
- 4.The Director (Recovery)
Employees Provident Fund Organisation
Bhavishya Nidhi Bhavan
No.14, Bhikaji, Cama place,
New Delhi

+1 CC to M/s.V.BALAJI, Advocate (SR-414[F] dated 07/01/2021)

W.P. (MD)Nos.13658 & 13659 of 2010
and M.P.Nos.2 and 2 of 2010
05.01.2021

MK(CO)

KB(18.01.2021) 3P 6C