



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.16166 of 2019

and W.M.P. (MD) No.12865 of 2019

(Through Video Conference)

WEB COPY

M/s.Balaji Agencies,
Represented by its Partner,
M.Pandian, J.B.Towers,
Melachinthamani,
Thiruchirappalli 620 002

...Petitioner

Vs.

The Recovery Officer,
Employee Provident Fund Organization,
Sree Complex 'D'Block,
No.18, Madurai Road,
Thiruchirappalli 620 008

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in Order in RRC No.CBTRY 17098/0043778/11/06/2019/515/35, dated 14.06.2019 passed by the respondent and quash the same and consequently direct the respondent to issue a show cause notice and to provide a reasonable opportunity to determine the amount.

For Petitioner : No Appearance

For Respondent : Mr.G.Dharmaraja

O R D E R

Learned counsel on record for the petitioner would submit that he has returned the bundle to the petitioner and he is no longer appearing for him and till date, the petitioner has not engaged any other learned counsel nor has appeared before this Court today.

2. Learned standing counsel for the respondent would submit that the claim is still pending as against the petitioner. In identical matters, this Court has directed the petitioner to avail the alternative remedy of appeal and has granted liberty in that regard. One such order passed in the case of **General Manager, Tiruchirappalli Consumer's Co-operative Wholesale Stores Ltd.,- vs the Assistant Provident Fund Commissioner and another** in **W.P. (MD) No.12297 of 2019 dated 11.03.2021** and the relevant portions of the order is extracted hereunder:

"3.The grounds raised in the present writ petition touches upon the factual aspects and this Court may not be justified in adjudicating such factual aspects, when the petitioner requires to



file a statutory appeal. Nevertheless, if the petitioner is granted liberty to file an appeal by extending the limitation period, the ends of justice could be secured. As such, no interference is required to the present impugned order passed under Section 14(B) of the Act.

4. In the light of the above observations, the petitioner is granted liberty to file an appeal before the concerned Tribunal within a period of thirty days from the date of receipt of a copy of this order.'

3. In the light of the above observations, the petitioner is granted liberty to file an appeal before the concerned Tribunal within a period of thirty days from the date of receipt of a copy of this order.

4. With the above liberty, this Writ Petition stands closed. No costs. Consequently, connected W.M.P.(MD) No.12865 of 2019 is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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
Mr.M.Pandian, Partner,
M/s.Balaji Agencies,
J.B.Towers,
Melachinthamani,
Thiruchirappalli 620 002

Order made in
W.P. (MD) No.16166 of 2019

Dated:
12.03.2021

RK(11.05.2021) 2P 2C