



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.4392 of 2014
and
M.P(MD)No.1 of 2014

Southern Petrochemical Industries Corporation Ltd.,
SPIC Nagar,
Tuticorin-628 005,
Through its Deputy General Manager-HR ... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization
Sub-Regional Office
Bhavishya Nidhi Bhavan
NGO 'B' Colony,
Tirunelveli.

2.M/s.Sathish Plumping Works
5/213, A, Thavasi Perumal Salai,
Bharathi Nagar,
Tuticorin-628 005.
Through its Proprietor
Mr.P.Shanmugasundaram,
S/o.Perumal Nadar,
Present Address:3/52,
Anna Nagar,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records from the file of the 1st respondent herein in No:TN/TNY/55292/CD-II/Circle: 23/8F/2014 dated 23.01.2014 and to quash the same and to direct the 1st respondent to conduct 7-A enquiry in the relating to the contribution due of the 2nd respondent so far as the contract employees employed and worked in petitioner concern and to determine the amount and the exact liability payable by the petitioner concern towards this account.



For Petitioner : Mr.P.Chandra Bose
For R1 : Mr.Muralishankar
For R2 : No Appearance

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ORDER

Heard Mr.P.Chandra Bose, learned counsel for the Petitioner, Mr.Muralisankar, learned counsel for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent had passed an order No. TN/TNY/55292/CD-II/Cricle:23/8F/2014, dated 23.01.2014 under Section 8-F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short) requiring the Petitioner to pay a sum of Rs. 5,78,768/- towards the provident fund dues owed by the Second Respondent, which is challenged by the Petitioner in this Writ Petition.

3. It is represented by the Learned Counsel for the Petitioner and the Learned Counsel for the First Respondent that a sum of Rs. 2,56,461 (Rupees Two Lakhs Fifty Two Thousand Four Hundred and Sixty One only) by way of Demand Draft bearing No. 699152, dated 22.02.2021 drawn on Bank of India, has been remitted by the Petitioner to the First Respondent towards the provident fund dues payable by the Second Respondent.

4. Learned Counsel for the Petitioner further states that the Petitioner does not have any other outstanding payable to the Second Respondent as on 23.02.2021.

5. While recording the aforesaid part satisfaction of the claim made by the First Respondent against the Second Respondent in the impugned order, it is made clear that the First Respondent is not precluded from recovering the balance due from the Second Respondent through appropriate legal proceedings in accordance with law. In the event of the Second Respondent claiming that any further amount is due to it by the Petitioner, the First Respondent shall issue necessary notice to the Petitioner in that regard and after affording full opportunity of personal hearing to all parties concerned, a reasoned decision shall be taken on merits and in accordance with law dealing with each of contentions raised and communicated by the parties under written acknowledgment.



6. In the result, the Writ Petition is disposed with the aforesaid clarification. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ta/Ns

+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-17221[F] dated 23/04/2021)

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and
M.P (MD) No.1 of 2014
22.04.2021

KM(02.06.2021) 3P 2C