



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 912 of 2018

and

W.M.P. No. 1106 of 2018

M/s.Puducherry Agro Service & Industries Corporation Ltd.
Rep. by its Managing Director
Agro House, Thattanchavady
Puducherry - 605 009.

... Petitioner

-vs-

1. The Regional Provident Fund Commissioner-II
Employees Provident Fund Organization
Regional Office, No. 101, 100 feet road
Sree Venni Commercial Complex
Cholan Nagar, Olandaikeerapalayam
Puducherry - 605 004.

2. Indian Bank
Rep. by its Manager
Main Branch
Puducherry.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to (i) the order bearing No. TBM/RO/PCY/PDC/PC-352/8F/2018 dated 03.01.2018 and (ii) the order bearing No. PDC/PC/352/Reg1/2017 (Interest), dated 13.12.2017 on the file of the First Respondent and quash the same and consequently, forbear the First Respondent from taking actions for recovery of the Damages under Section 14-B of the EPF & MP Act, 1952 against the Petitioner till the disposal of the Appeal filed by it before the EPF Appellate Tribunal at Chennai, direct him to conduct an enquiry and determine the correct Interest payable by the Petitioner under Section 7-Q of the EPF & MP Act, 1952 and refund the excess amount collected by him to it.

For Petitioner : Mr. T.M.Naveen
For Respondents: Mrs. V.J.Latha
Standing Counsel (For R1)
R2-No appearance



O R D E R

Heard Mr. T.M.Naveen, Learned Counsel for the Petitioner and Mrs. V.J.Latha, Learned Standing Counsel for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Order No. PDC/ PC/352/Regl/2017 (Damages) dated 13.12.2017 under Section 7-Q of the Act passed by the First Respondent and the consequential Order No. TBM/RO/ PCY/PDC/PC-352/8F/2018 dated 03.01.2018 under Section 8-F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short) and to forbear the First Respondent from taking actions for recovery of the damages under Section 14-B of the Act against the Petitioner till the disposal of the Appeal filed before the Employees' Provident Fund Appellate Tribunal at Chennai (hereinafter referred to as 'the Appellate Tribunal' for short) and direct him to conduct an enquiry and determine the correct interest payable by the Petitioner under Section 7-Q of the Act.

3. Learned Counsel for the Petitioner has filed a memo dated 28.03.2022 in which it has been stated as follows:-

"1. It is respectfully submitted at the time of the filing of the above Writ Petition, the Petitioner had filed an Appeal before the EPF Appellate Tribunal, Chennai on 12.01.2018, but as the Government has not appointed the Presiding Officer to the said Tribunal and it was not functioning, the said Appeal was not numbered and not posted for admission.

2. It is respectfully submitted that now, the Appellate Tribunal had numbered the said Appeal as E.P.F.A. No. 160 of 2018 and also grant an conditional order of stay on 12.09.2019.

It is therefore prayed that this Hon'ble Court may be pleased to record the subsequent development relating to the above Writ Petition and render justice."

4. In view of the same, no further orders are required and the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



Maya

To

1. The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organization,
Regional Office, No. 101, 100 Feet Road,
Sree Venni Commercial Complex,
Cholan Nagar, Olandaikeerapalayam,
Puducherry - 605 004.

2. The Manager,
Indian Bank,
Main Branch,
Puducherry.

+1cc to Mr.T.M.Naveen, Advocate, S.R.No.20513
+1cc to Mr.V.J.Latha, Advocate, S.R.No.20850

W.P. No. 912 of 2018

SR(CO)
GN(25/05/2022)