



WEB COPY



W.P.No.3883 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.2.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3883 of 2022
and W.M.P.No.4012 of 2022

Empkee Engineers (p) Ltd.

Rep. by its Managing Director.

No.C-1 Phase III, Thiru Vi. Ka. Industrial
Estate, Guindy, Chennai-600 032.

... Petitioner

Vs.

Asst.provident Fund Commissioner,
Employees Provident Fund Organisation
Regional Office, Ambattur,
R-40 A-1, TNHB Office-cum Shopping Complex,
Mugappair East, Chennai-600 037.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for Writ of Certiorari, calling for the records of the Central Government Industrial Tribunal cum Labour Court, Chennai in EPFA No.199 of 2019 and quash its order dated 23.12.2021.

For Petitioner : Mr.Haroon AL Rasheed for
M/s.T.S.Gopalan & Co.
For Respondent : Mr.M.S.Viswanathan

ORDER

By consent of both parties, the main writ petition itself has been taken up for final disposal.



W.P.No.3883 of 2022

2. The petitioner has preferred an appeal against the order passed by the respondent under Section 7A & 7B of the Act and the petitioner also filed an application seeking to waive the pre-condition to deposit 75% of the recovery amount. The Tribunal has admitted the appeal subject to the condition by directing the petitioner to deposit 40% of the total dues of Rs.46,76,418/- determined in the impugned order passed under Sec.7A & 7B of the Act. Challenging the said order, the petitioner has filed the instant writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner has already deposited a sum of Rs.5,19,290/- and undertakes to deposit 40% of the balance dues.

4. Even though learned Standing Counsel appearing for the respondent raised objection on the submission made by the counsel appearing for the petitioner, submitted that there shall be no default in the payment of the dues.

5. In view of the submissions made by the counsel appearing for the parties, this Court is inclined to pass the following order:



W.P.No.3883 of 2022

(i) The writ petitioner is directed to deposit 40% of the total dues after adjusting a sum of Rs.5,19,290/- already paid by the petitioner, i.e. $46,74,418/- - 5,19,290/- = 41,55,128/- \times 40\% = \text{Rs.}16,62,051/-$ (Rupees sixteen lakhs sixty two thousand and fifty one only).

(ii) The aforesaid amount shall be paid by the petitioner in three equal monthly instalments to the respondent on or before 10th day of every succeeding calendar month.

(iii) Any default on the part of the petitioner, liberty is given to the respondent to proceed to recover the said amount in accordance with law.

(iv) If the petitioner has complied with the directions cited supra, the impugned recovery order shall be kept in abeyance till such time.

6. The writ petition stands disposed of with the above directions.

No costs. Connected miscellaneous petition is closed.

23.02.2022

Speaking / Non-Speaking order

Internet:Yes/No

Index:Yes/No

vaan

To

Asst.provident Fund Commissioner,

Employees Provident Fund Organisation Regional Office, Ambattur,

R-40 A-1, TNHB Office-cum Shopping Complex,

Mugappair East, Chennai-600 037.



WEB COPY



W.P.No.3883 of 2022

D.KRISHNAKUMAR,J.

vaan

W.P.No.3883 of 2022
and W.M.P.No.4012 of 2022

17.02.2022