



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.3.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.5188 of 2022
W.M.P.No.5288, 5290 & 5291 of 2022

1 Jain Housing And Construction Ltd.
Rep by Its Vice President,
No.98 /99, Habibullah Road,
T.Nagar, Chennai-600 017. ... Petitioner

Vs.

1 The Regional Provident Fund Commissioner-II (C & R)
Employees Provident Fund Organisation Regional
Officer (Chennai- North) Bhavishya Nidhi
Bhawan No.37 Royapettah High road, Chennai-14.

2 The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation
Regional Officer (Chennai -North) Bhavishya Nidhi
Bhawan, No.37, Royapettah High Road, Chennai-14.

3 The Recovery Officer,
Employees Provident Fund Organisation
Regional Officer (Chennai -North) Bhavishya Nidhi
Bhawan No.37, Royapettah High Road, Chennai-14.

4 The Branch Manager,
State Bank Of India, 2nd Floor,
5, First Cross Street,
Kasturba Nagar, Chennai- 600 020. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records of the third respondent in proceedings TN/RO/CHN-I/CC-I (Recy)/CP1/TN/49494/D- 525 /Regl/2022 and quash its order dated 21.01.2022 and the consequential order of the 1st Respondent dated 01.03.2022 in proceedings No.TN/CHN-I/ CC - II/ENF/49494/D-525/Regl/2022.

For Petitioner : Mr.Anand Gopalan for
M/s.T.S.Gopalan & Co.

For Respondents 1 to 3 : Mr.K.Ramu



ORDER

Challenging the impugned order dated April, 2019 passed by the second respondent under Section 7A of Employees Provident Funds and Miscellaneous provisions Act, 1952, the petitioner has filed the instant writ petition before this Court. According to the petitioner, the impugned order passed for the period 4/2012 to 3/2014 claiming contributions towards contract employees by the second respondent for a sum of Rs.22,77,55,618/- and subsequent order dated 29.11.2021 passed for the period 11/2015 to 10/2016 claiming contributions towards contract employees by the second respondent for a sum of Rs.20,01,865/-. However, the impugned orders are not served to the petitioner. Pursuant to the aforesaid order, recovery notice has been issued by the first respondent against the petitioner on 1.3.2022. Thereafter, the petitioner came to know the earlier orders passed by the second respondent. Hence, the petitioner has filed Review application before the first respondent against the order passed by the second respondent in April 2019. Insofar as the order dated 29.11.2021, steps are being taken to file Review application on 7.3.2022.

2. Though the writ petition challenging the impugned orders passed by the respondents, the learned counsel appearing for the petitioner restricted his prayer that till the Review applications are disposed of by the respondent, the recovery order shall not be given effect to.

3. The learned Standing Counsel appearing for the respondents would submit that if the Review application is in order, then it will be considered in accordance with law within a period of 30 days. If the Review application is not in order, the papers will be returned and the respondent will proceed with the recovery proceedings against the petitioner.

4. Though writ petition is filed challenging the impugned order passed by the second respondent, the learned counsel appearing for the petitioner restricted his prayer that till the Review applications are disposed of by the respondent, the recovery order shall not be given effect to and taking note of the fact that the impugned orders passed by the respondent are not served to the petitioner and the petitioner also, has filed Review application before the first respondent, the first respondent is directed to consider the Review application if it is in order and dispose of the same as expeditiously as possible preferably within a period of 60 days from the date of receipt of copy of the order. It is made clear that if the Review application is not in order, the papers will be returned and the respondent shall proceed against the petitioner for recovery of the said amount in accordance with law. Till such time, the



respondent shall not take coercive steps against the petitioner to recover the said amount from the petitioner.

5. In view of the above, the respondents shall communicate to the fourth respondent Bank and issue appropriate order for lifting of the attachment, till such period. Insofar as the order dated 29.11.2021 is concerned, the petitioner undertakes to file Review application on 7.3.2022.

6. Accordingly, the writ petition stands disposed of with the above directions. No Costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

VAAN

To

- 1 The Regional Provident Fund Commissioner-II (C & R)
Employees Provident Fund Organisation Regional
Officer (Chennai- North) Bhavishya Nidhi
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- 4 The Branch Manager,
State Bank Of India, 2nd Floor,
5, First Cross Street,
Kasturba Nagar, Chennai- 600 020.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No. 14688

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BP (CO)
TE (09/03/2022)