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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5437 of 2022

The Madras Pinjrapole,
Rep. by its Secretary,
No.383, Konnur High Road,
Chennai - 600 012.

... Petitioner

vs.

1.The Secretary,
Ministry of Labour & Employment,
Government of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110 001.

2.The Chief Executive Officer,
Employees' Provident Fund Organisation,
Head Office, Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Palace,
New Delhi - 110 006.

3.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, No.37, Royapettah High Road,
Chennai - 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 10.02.2022 made by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.A.Arokia Satheesh

For R1 : Mr.C.Kulanthaivel,
Standing Panel Counsel



O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to consider the representation dated 10.02.2022 made by the petitioner within a time frame fixed by this Court.

3. The case of the petitioner in brief:

The petitioner is a Society, registered under the Societies Registration Act. As the petitioner was Charitable Institution, it was given exemption under Section 11, 12, and 13 of the Income Tax Act and the donation given to the petitioner Society was exempted under Section 80(g) of the Income Tax Act. The petitioner was not making any contribution towards the Provident Fund or any other statutory payments. However, the petitioner society was served notice under section 7A of the Employees Provident Fund Act and hence, they filed an application before the Regional Provident Fund Commissioner seeking exemption to an establishment. But the Commissioner held that the Act is applicable to the petitioner from 01.12.2015 and is liable to pay a sum of Rs.66,05,819/-. The appeal filed by the petitioner is pending before the Industrial Tribunal and the Tribunal has passed interim order directing the petitioner to deposit 40% of the amount of Rs.66,05,819/- on or before 28.02.2022. In such circumstances, the petitioner has made an application to the 1st respondent on 10.02.2022 in terms of Section 16 of the Employees Provident Fund Act, to grant exemption to the establishments. However, it was not considered. Hence, this petition.

4. The learned Standing Panel Counsel appearing for the first respondent submitted that the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law, within a time frame as fixed by this court.

5. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass orders.

6. Accordingly, it is ordered as follows:

i) The 1st respondent is directed to consider the representation of the petitioner dated 10.02.2022, and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



ii) The petitioner is directed to furnish the copy of the representation along with this order before the first respondent.

7. With the above directions, the writ petition is disposed of at the admission stage itself. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

ata/mst

To

1.The Secretary,
Ministry of Labour & Employment,
Government of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110 001.

2.The Chief Executive Officer,
Employees' Provident Fund Organisation,
Head Office, Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Palace, New Delhi - 110 006.

3.The Commissioner,
Employees' Provident Fund Organisation,
Regional Office, No.37, Royapettah High Road,
Chennai - 600 014.

+lcc to Mr.A.Arokia Satheesh, Advocate SR.No.16045

+lcc to Mr.C.Kulanthaivel, Advocate SR.No.16606

W.P.No.5437 of 2022

MT(CO)

CB(28/03/2022)