



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

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

W.P.NO.22902 OF 2016

AND

W.M.P.NO.19593 OF 2016

M/s. Sanmar Speciality Chemicals Ltd.

No.9, Cathedral Road

Chennai - 600 086

Rep. by its Gen. Manager - Legal

...Petitioner

Vs

The Assistant Provident Fund Commissioner,

Employees Provident Fund Organization

Royapettah High Road

Chennai - 600 014.

...Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent from continuing with the proceedings initiated against the Petitioner under Section 7-A of the EPF Act vide Notice ref: No. CHN/TN/48864/Div.19/Eng/Regl/2016 dated 09.06.2016 till the pronouncement of the judgment by the Division Bench of this Court in W.A. Nos. 982, 983, 1026, 1343 and 1344 of 2011 and SLP Civil 8781-8782/12 before the Hon'ble Supreme Court.

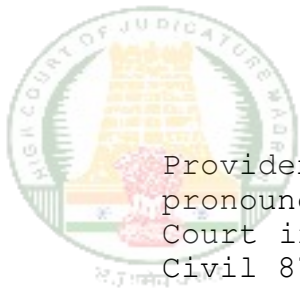
For Petitioner : Mr.Sai Prasath
for M/s. Sai Raaj Associates

For Respondent : Mr.T.R.Sundaram

O R D E R

Heard Mr. Sai Prasath, Learned Counsel for the Petitioner and Mr.T.R.Sundaram, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondent from continuing with the proceedings against the Petitioner pursuant to Notice No. CHN/TN/48864/Div.19/Eng/Regl/2016 dated 09.06.2016 under Section 7-A of the Employees'



Provident Funds and Miscellaneous Provisions Act, 1952, till the pronouncement of the judgment by the Division Bench of this Court in W.A. Nos. 982, 983, 1026, 1343 and 1344 of 2011 and SLP Civil 8781-8782/12 before the Hon'ble Supreme Court.

WEB COPY

3. It is informed by Learned Counsel for both sides that the Hon'ble Supreme Court of India in Surya Roshini Ltd., -vs- Employees Provident Fund (Order dated 28.02.2019 in Civil Appeal Nos. 3965-3966 of 2013) has made the authoritative pronouncement on the question involved in the matter. In view of the same, the Respondent shall proceed to determine the matter following the prescribed procedure after affording full opportunity of hearing to all persons concerned including the Petitioner, consider each of the contentions raised by the parties and pass reasoned orders on merits in accordance with law and communicate the decision taken to them under written acknowledgment.

4. In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Deputy Registrar (CS)

// True Copy //

Sub Assistant Registrar

Maya

To

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization
Royapettah High Road
Chennai - 600 014.

+1cc to Mr.T.R.Sundaram, Advocate Sr.No.34665

W.P.No.22902 of 2016

GJ(CO)
RVM(17/06/2022)