



W.P. No.16970 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.16970 of 2022

and

W.M.P.No. 16259 of 2022

M/s. Sukhra Construction
Represented by its Authorized Signatory,
Mr. G. Sekar,
New No. 34/1, II Floor,
Kummalaman Street, Tailors Road,
Kilpauk, Chennai – 600 010.

... Petitioner

Vs.

M/s. Employees Provident Fund Organisation
Regional Provident Fund
Commissioner II C & R, Chennai
Ministry of Labour & Employment,
Government of India,
No. 37, Royapettah High Road,
Chennai – 600 014.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the learned Presiding Officer of the Hon'ble Central Government Industrial Tribunal (CGIT) cum Labour Court, Chennai, to decide the EPF Appeal No. 87 of 2020 without insisting upon the 50 % of pre deposit as ordered vide the order dated 02.03.2022 in EPFA No. 87 of 2020 and pass orders.

For Petitioner : Mr. D. Ferdinand

For Respondent : Mr. K. Ramu

Senior Counsel



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ORDER

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This writ petition is filed for the issuance of a writ of mandamus, directing the learned Presiding Officer of the Hon'ble Central Government Industrial Tribunal (CGIT) cum Labour Court, Chennai, to decide the EPF Appeal No. 87 of 2020 without insisting upon the 50 % of pre deposit as ordered vide the order dated 02.03.2022 in EPFA No. 87 of 2020 and pass orders.

2. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, they received a letter from the respondent to appear for the enquiry under Section 7-A of the Act. The petitioner appeared for the enquiry, and requested for a copy of the Inspection Report. On the basis on inspection report, the respondent Department by order dated 16.01.2020 has demanded a sum of Rs.36,88,433/-, (after deducting remitted amount of Rs. 6,89,112/-from the due amount Rs. 43,77,545/-), which had been determined as being due and payable by him for the period 04/2013 to 07/2015. Aggrieved by the same, on 16.06.2020, the petitioner has filed the appeal before the Central

<https://www.mhcoi.gov.in/judis> Government Industrial Tribunal (CGIT) cum Labour Court, Chennai in EPF



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Appeal No. 87 of 2020 and the Appellate authority by order dated 02.03.2022, passed an interim order, and modified the condition of 75 % pre-deposit under Section 7-0 of the Act and directed the petitioner to deposit 50 % of Rs.43,77,545/-, on or before 03.06.2022. The contention of the petitioner is that the said amount of Rs.43,77,545/- itself has been wrongly mentioned. Challenging the said order the petitioner has approached this Court.

4. The learned counsel appearing for the petitioner submitted that the Tribunal has insisted upon the petitioner to pay 50 % of Rs. 43,77,545/-, without taking note of the fact that the actual amount payable by the petitioner is Rs.36,88,433/-, (after deducting remitted amount of Rs. 6,89,112/-from the due amount of Rs. 43,77,545/-).

5. The learned Standing Counsel appearing for the respondent submitted that the Tribunal was perfectly right in passing the order by directing the petitioner to pay 50 % of Rs.43,77,545/-.

46. On considering the aforesaid submission of the parties, this Court is



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inclined to modify the impugned order passed by the Labour Court as follows:

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i) The Tribunal is directed to entertain the appeal subject to deposit of 50 % of the due amount of 10Rs.36,88,433/-, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order will automatically stands vacated.

ii) If such an amount is deposited by the petitioner, the Tribunal is directed to number the appeal and proceed with the appeal in accordance with law.

5. With the above modification, the writ petition stands partly allowed.

No costs. Consequently, connected miscellaneous petition is closed.

05.07.2022

Index : Yes / No
Internet : Yes/ No
mrn

To

<https://www.mhc.in.gov.in/jdis> The M/s. Employees Provident Fund Organisation



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Regional Provident Fund
Commissioner II C & R, Chennai
Ministry of Labour & Employment,
Government of India,
No. 37, Royapettah High Road,
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D.KRISHNAKUMAR, J.



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