



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

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

W.P. No. 33747 of 2017

and

W.M.P. Nos. 37385 and 37386 of 2017

Door Sabha Nigam Limited
Represented by its Managing Director
Dr. P.Mahalingam
Tidel Park, 1106-D, South Block
No.4, Rajiv Gandhi Salai
Taramani, Chennai - 600 113.

...Petitioner

-vs-

1. The Assistant Provident Fund Commissioner
Employee's Provident Fund Organization
Regional Office, 37, Royapettah High Road
Chennai - 600 014.

2. The Industrial Tribunal cum Labour Court
Represented by its Registrar
Shastri Bhavan, Chennai - 600 006.

3. The Indian Bank
Represented by its Branch Manager
Adyar Branch, Chennai - 600 020.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent's impugned order bearing No.CHN-2/TN/54998/Div-20/Enf/2017 dated 27.11.2017 issued to the Petitioner culminating in the First Respondent's impugned communications bearing No. CHN-2/54998/Div-20/Enf/2017 dated 18.12.2017 and No. CHN-2/54998/20/Enf/2017 dated 19.12.2017 issued to the Third Respondent with copy sent to the Petitioner, quash the same and direct the First Respondent, their officers, men, agents, representatives, assigns and /or anyone claiming under or through the First Respondent to desist from in any manner claiming, demanding or taking any action or initiating any coercive steps against the Petitioner to recover the sum of Rs.63,23,120/- and /or any further sum or part thereof, without awaiting the outcome of the Petitioner's challenge to the First Respondent's impugned order.



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For Petitioner : Mr. N.L.Rajah, Senior Counsel
for Mr. Arun Anbumani

For Respondents : Mr. T.R.Sundaram (For R1)
R2 - Labour Court
R3 - No appearance

O R D E R

Heard Mr. N.L.Rajah, Learned Senior Counsel appearing for the Petitioner and Mr. T.R.Sundaram, Learned Counsel for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by Order No. CHN-2/TN/54998/Div-20/Enf/2017 dated 27.11.2017 had determined the dues of contribution towards provident fund, pension fund, insurance fund and administrative charges of the Petitioner for the period from April 2005 to November 2014 under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short). The Petitioner was entitled to prefer appeal against that order under Section 7-I of the Act within a period of 60 days from the date of its receipt in terms of Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, before the Appellate Authority, who has been empowered to condone delay in filing such appeal for an extended period of 60 days, if sufficient cause for not preferring appeal within that period is made out. However, before the expiry of the prescribed period of limitation for filing such appeal, the First Respondent by Order No. CHN-2/54998/Div-20/Enf/2017 dated 18.12.2017 and Order No. CHN-2/54998/20/Enf/2017 dated 19.12.2017 in the exercise of powers under Section 8-F of the Act attached the bank accounts of the Petitioner with the Third Respondent towards recovery of the dues under the aforesaid order. According to the Petitioner, as the Appellate Authority was not functional at that relevant point of time, the Petitioner could not obtain any interim order and this Writ Petition was filed challenging the said proceedings. This Court at the time of admission on 21.12.2017 stayed the impugned orders, which continues to be in force.

3. It has been brought to notice that the Petitioner has subsequently filed appeal in E.P.F.A. No. 42 of 2018 before the Employees Provident Fund Appellant Tribunal, viz., Central Government Industrial Tribunal, Chennai (hereinafter referred to as 'the Tribunal' for short) under Section 7-I of the Act and interim order has been passed and the condition imposed for it has also been complied. Nothing remains to be further decided in this Writ Petition.



4. It shall be incumbent upon the First Respondent to await the outcome of the appeal in E.P.F.A. No. 42 of 2018 before the Tribunal, which shall afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice and pass reasoned orders dealing with each of the contentions raised by the parties on merits in accordance with law.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Maya

To

- 1.The Assistant Provident Fund Commissioner,
Employee's Provident Fund Organization,
Regional Office, 37, Royapettah High Road, Chennai - 600 014.
- 2.The Registrar,
The Industrial Tribunal cum Labour Court,
Shastri Bhavan, Chennai - 600 006.
- 3.The Branch Manager,
The Indian Bank, Adyar Branch, Chennai - 600 020.

Copy to

- 1.The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
'B' Wing, 1st Floor Shastri Bhawan,
26, Haddows Road, Chennai - 600 006.
- 2.The Managing Director,
Dr. P.Mahalingam
Door Sabha Nigam Limited, Tidel Park, 1106-D, South Block
No.4, Rajiv Gandhi Salai, Taramani, Chennai - 600 113.

+1cc to Mr.Arun Anbumani, Advocate SR. No.10844

+1cc to Mr.T.R.Sundaram, Advocate SR. No.9930

W.P. No. 33747 of 2017

NK (CO)

PR (11/03/2022)