



WA(MD)Nos.748, 749 of 2013 and 876 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.A.(MD)Nos.748 and 749 of 2013

and

W.A.(MD)No.876 of 2016

M.P(MD)Nos.1 & 1 of 2013

and

C.M.P(MD)No.5266 of 2016

W.A(MD)Nos.748 & 749 of 2013

1.The Regional Provident Fund Commissioner
Employees Provident Fund Organization,
Regional Office,
Madurai-625 002.

2.The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chockikulam,
Madurai-625 002.

... Appellants/Respondents 1&2 in
both W.As

/Vs./

1.Manipal Sowbhagya Nidhi Limited,
represented by its Manager,
Manipal House,
Manipal-576 104.

...Respondent/Petitioner in both
W.As



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2.P.K.S.Sambandham

...Respondent/3rd Respondent in
W.A(MD)No.748 of 2013

3.A.Brahmoraj

...Respondent/3rd Respondent in
W.A(MD)No.749 of 2013

PRAYER: Appeals filed under Clause 15 of the Letters Patent, praying this Court, to set aside the order dated 08.09.2011 made in W.P(MD)Nos. 6725 & 6726 of 2007 and allow this writ appeal.

For Appellants
in both W.As : Mr.Muralisankar

For R1 in both
W.As : Mr.G.Thalaimutharasu

W.A(MD)No.876 of 2016

1.The Regional Provident Fund Commissioner
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chockikulam,
Madurai-625 002.

2.The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chockikulam,
Madurai-625 002.

3.The Enforcement Officer,
Employees' Provident Fund Organization,
District Office,
Opposite to Municipal Vegetable Market
Police Station Road,
Sivakasi-626 123.

... Appellants/Respondents 1 to 3



WA(MD)Nos.748, 749 of 2013 and 876 of 2016

/Vs./

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- 1.Sri.R.Balachandran
- 2.Smt.B.Ramdev Soundari
- 3.M/s.Swamiji Mills Ltd.,
No.76, P.K.S.Street,
Factory at Anaikuttam,
Sivakasi through the
Official Liquidator, H.C., Madras. ...Respondent/Petitioners

For Appellants : Mr.Muralisankar
For R3 : M/s.Malathi Sampathkumar

COMMON JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

When these writ appeals came up for hearing on 21.09.2022, this
Court passed the following order:

*“The learned counsel appearing on behalf of the
Employees Provident Fund Commissioner submitted that
the petitioner in the writ petitions has gone into liquidation
and already liquidator was appointed and the department
has also made their claim.*



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The learned counsel sought some time to state as the claim is already settled in favour of the department.

Post these writ appeals under the caption 'for orders' on 28.09.2022."

2. When these matters were taken up for hearing today, the learned Standing Counsel appearing on behalf of the Regional Provident Fund Commissioner submitted that the Department had made their claim before the Official Liquidator and an application was also filed before the Company Court in C.A.No.447 of 2012 and this Court directed the Official Liquidator to settle the dues of the department within three months from the date of receipt of a copy of the order.

3. The learned Standing Counsel submitted that this order has not been complied with till date.

4. In the considered view of this Court, in view of the subsequent development that has taken place in this case, no further orders can be passed in these writ appeals. The department has already made their claim before the Official Liquidator and a direction has also been issued by this



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Court. If this direction has not been complied with by the official liquidator till date, there shall be a further direction to the effect that the official liquidator shall comply with the order passed in C.A.No.447 of 2012, within a period of three months from the date of receipt of a copy of this order. The issue that has been raised in these writ appeals shall be kept open to be agitated in an appropriate case.

5.All the writ appeals are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.A.V.,J.)
28.09.2022

Index : Yes/No
Internet : Yes
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J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

Ns

Judgment made in
W.A.(MD)Nos.748 and 749 of
2013
and
W.A.(MD)No.876 of 2016
M.P(MD)Nos.1 & 1 of 2013
and
C.M.P(MD)No.5266 of 2016

Dated
28.09.2022