



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.10979 of 2013

and

M.P. (MD) .No.1 of 2013

M/s.Rohit Enterprises,
Represented by its Proprietor,
Mr.A.Subramanian

... Petitioner

Vs.

1.The Assistant Provident Fund Officer,
Employees' Provident Fund Organization,
Regional Office,
Bhavishyanidhi Bhavan,
Post Box.No.1, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

2.The Squad Enforcement Officer,
District Office,
Employees' Provident Fund Organization,
AKM Complex,
Virudhunagar Road,
Sivakasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining and quashing the impugned order passed by the first respondent in reference No.M-11/TN/Coverage/MD/91287/ENF.B/RO/2012 dated 07.06.2012 and consequently direct the first respondent to make an enquiry under Section 7 A of the EPF Act, by giving an opportunity to the petitioner to place necessary documents and explanation and to pass final orders.

For Petitioner : Mr.J.Alaguramjothi
For Respondents : Mr.K.Muralishankar,
Standing Counsel.



ORDER

This Writ Petition has been filed challenging the order dated 07.06.2012 and with a consequential prayer to direct the first respondent to make an enquiry under Section 7 A of the EPF Act.

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2. The brief facts of the case are that the petitioner is running a firm in the name and style of Rohit Enterprises at Chatrapatti. He has been engaged in the process of purchase, manufacture and sale of handloom Surgical Gauge and Bandage Cloth of all varieties, description and qualities. He has started the above business on 04.05.2010 and it is slowly picking up. The contention of the petitioner is that for the purpose of manufacture and distribution, they have engaged only six persons in the firm and they are running the business. The impugned order states that a code number TN/MD/91287 has been allotted to the petitioner branch at a specific request. But the said fact is denied by the petitioner stating that the petitioner never requested before the authority to allot any code number. The present order is being issued without inspecting the premises and without any available facts. The respondents have not granted any opportunity to the petitioner to explain his status. The petitioner submitted a representation dated 10.10.2012 and the respondents have not considered the same.

3. The respondents have filed a counter reiterated the same contents as stated in the impugned order. According to the respondents, the petitioner establishment along with M/s. Muthu Enterprises is covered under Section 2 A of the Act with the principle unit M/s. Seetharaman Surgical being coverable under Section 1(3)A of the Act, but these aspects are denied by the petitioner.

4. Hence impugned notice is set aside and this Court is directing the respondents to issue a fresh notice and grant opportunity to the petitioner and thereafter pass a speaking order. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

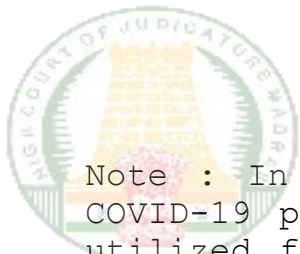
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Sub Assistant Registrar(CS)

Nsr

<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Assistant Provident Fund Officer,
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AKM Complex,
Virudhunagar Road,
Sivakasi.

+1 CC to M/s.J. ALAGURAM JOTHI, Advocate (SR-16783[F] dated
06/04/2022)

+1 CC to M/s.K. MURALI SANKAR, Advocate (SR-16820[F] dated
06/04/2022)

W.P. (MD) .No.10979 of 2013
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NSN (CO)
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