



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P (MD) No.592 of 2022
& WMP (MD) No.463 of 2022**

M/s.Bhavani Modern Rice Mill,
D.No.72/D-W-5, Ammayappapuram,
Bye Pass Road, Chettiarpatti,
Dhalavaipuram,
Rajapalayam-626 122,
Virudhunagar District,
rep. by its Partner

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees P.F. Organization,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi-626 189
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records of the respondent in his proceedings in MD/MDU/DO/SVKS/58534/M-12/8F/2021 dated 24.12.2021, which was received by the petitioner on 04.01.2022 and quash the same.

For Petitioner : Mr.M.Elanchezhian

For Respondent : Mr.John Xavier

ORDER

Heard Mr.M.Elanchezhian, learned counsel appearing for the petitioner and Mr.John Xavier, learned counsel appearing for the respondent.

2.This Writ Petition has been filed seeking for issuance of Writ of Certiorari to call for the records of the respondent in his proceedings in MD/MDU/DO/SVKS/58534/M-12/8F/2021 dated 24.12.2021, which was received by the petitioner on 04.01.2022 and quash the same.



3. According to the petitioner, the petitioner is a ricemill and it has been paying both employees and employer's contribution to the respondent without any delay or default. While so, the respondent has passed an order dated 03.12.2021 under Section 7C of the Employees Provident Fund Act, 1952, claiming contribution to the tune of Rs.26,07.224/- on escaped amount for the period from 4/2016 to 10/2019, to which, the petitioner is not liable to remit the same. As against the said proceedings, the petitioner preferred a statutory appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai on 03.01.2022 within a month from the date of the order passed by the respondent. However, despite the appeal preferred in time, the petitioner received a notice dated 24.12.2021 from the respondent under Section 8 F of the EPF Act, 1952 on 04.01.2022 in and by which, the respondent ordered attachment of the Bank account of the petitioner. Hence, the petitioner has come forward with the present writ petition.

4.The learned counsel appearing for the petitioner would submit that though the petitioner preferred the appeal within time limit, the respondent issued the impugned notice dated 24.12.2021 ordering attachment of the bank account of the petitioner, which caused prejudice to the petitioner and hence, the same is liable to be set aside.

5.Mr.John Xavier, learned counsel takes notice for the respondent and seeks time to get instructions.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and since the appeal preferred by the petitioner is yet to be taken on file, this Court feels it appropriate to grant interim stay of the impugned notice dated 24.12.2021 for a period of four weeks and in the mean time, the petitioner is directed to work out his remedy before the appellate forum.

7.The Writ Petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

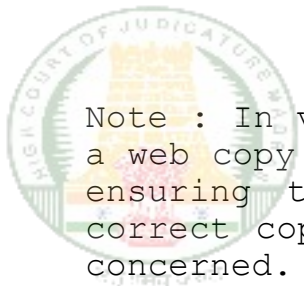
Deputy Registrar (LA&MC)

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/ /2022

Sub Assistant Registrar(CS)

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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.

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To
1. The Assistant Provident Fund Commissioner,
Employees P.F. Organization,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi-626 189
Virudhunagar District.

W.P (MD) No.592 of 2022
19.01.2022

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