



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1723 of 2022 and
WMP(MD) Nos.1529 & 1530 of 2022

M/s.Sun (Tamilnadu) Security Management
Services (P) Ltd.,
Rep through Managing Director,
Mr.V.Vijimon,
Ashok Nagar,
3rd Street,Kochadai,
Madurai.

...Petitioner

vs.

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

2.The Manager,
ICICI Bank,
Kochadai,Madurai.

...Respondents

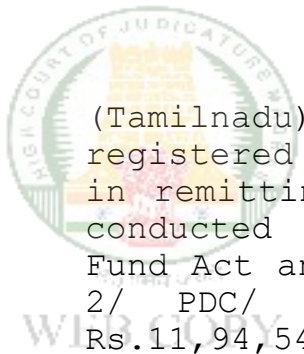
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent to the second respondent in reference TN/RO/MD/MDU/42662/PDC/8F/802/2022, dated 04.01.2022 for deducting the amount of Rs.18,28,005/- from the petitioner bank account and quash the same and to issue such other appropriate directions.

For Petitioner	: Mr.M.N.Ramkumar
For R1	: Mr.V.S.V.Venkateshwaran
For R2	: Mr.Anbalagan

O R D E R

This writ petition is filed as against the order of attachment passed by the first respondent in reference No TN/ RO/ MD/ MDU/ 42662/ PDC/ 8F/ 802/ 2022, dated 04.01.2022.

2.The case of the petitioner is that the petitioner is running security services, in the name and style of 'M/s.Sun



(Tamilnadu) Security Management Services (P) Ltd, which is registered under Employees' Provident Fund Act and they are prompt in remitting contributions. The first respondent issued notice and conducted proceedings under Section 14 B of Employees' Provident Fund Act and passed an order in reference No.TN/ RO/ MDU/ 42662/ M-2/ PDC/ LD/ 2021, dated 10.12.2021, levying an amount of Rs.11,94,541/- as damages and Rs.6,33,464/- as interest. As per Rule 7(2) of Employees' Provident Fund Act, the petitioner is having an appeal remedy before the Appellate Tribunal and the statutory period for filing such an appeal is 60 days. He further submits that since the order dated 10.12.2021 was signed only on 15.12.2021, the petitioner is having time to file an appeal upto 15.02.2022. The grievance of the petitioner is that even before the expiry of the appeal period, the respondents have passed the impugned order of attachment, in a hurried manner, by attaching the bank account of the petitioner, pursuant to the order, dated 10.12.2021. Aggrieved over the same, the present writ petition is filed.

3.Mr.V.S.V.Venkateshwaran, learned counsel takes notice for the first respondent and Mr.Anbalagan, learned counsel takes notice for the second respondent.

4.Considering the issue involved in this matter, this writ petition is disposed of at the admission stage itself, with the consent of both parties. Admittedly, the petitioner is having an appeal remedy as against the order, dated 10.12.2021 before the Appellate Tribunal. On perusal of the aforesaid orders shows that though the date of order was stated as 10.12.2021, it was signed only on 15.12.2021 and therefore, this petitioner is having time for filing a statutory appeal till 15.02.2022. In the meantime, the first respondent has passed an order of attachment, dated 04.01.2022.

5.In view of the fact that the petitioner is having time to file an appeal before the Appellate Tribunal, till 15.02.2022, there shall be an order of stay, for the order of attachment for a period of four weeks. In the meantime, the petitioner shall file an appeal before the Appellate Tribunal and workout his remedies.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

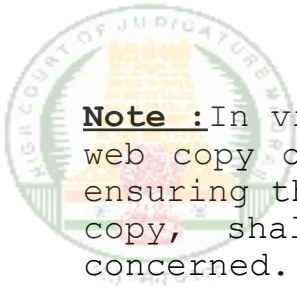
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 1.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.
- 2.The Manager,
ICICI Bank,
Kochadai,
Madurai

ORDER MADE IN
W.P (MD) No.1723 of 2022 and
WMP (MD) Nos.1529 & 1530 of 2022
31.01.2022

tp (CO)
GC (07.03.2022) 3P 3C