



W.P(MD)No.21462 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21462 of 2022

and

W.M.P.(MD)No.15618 of 2022

M/s. Surabi Wind Farms Technologies Pvt. Ltd.,
Represented by its Managing Director,
N.Surendra Raja,
Surabi House No.10-35A, Viswasapuram,
Thovalai Post, Kanyakumari District.

... Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, 65-A, Water Tank Road,
Nagercoil 629 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from taking recovery proceedings in pursuance to the order passed by the respondent in No.TN/ NGL/ ENF/C32/ 79189/7A Proceedings/2022, dated 10-06-2022 till the appeal filed by the petitioner before the Central Government Industrial Tribunal Cum Labour Court, Chennai under Section 7-I of the EPF and MP Act



W.P(MD)No.21462 of 2022

and pending in EPFA No.116/2022 is taken up for admission and stay hearing by the Tribunal and orders are passed thereon

For Petitioner : Mr.M.Azeem

For Respondent : Mr.Mohammed Athiff,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner is an establishment covered under Employees' Provident Fund and Miscellaneous Provisions Act. The petitioner had suffered some adverse order at the hands of the respondent. Questioning the same, they have filed an appeal before the Tribunal. The petitioner wants this Court to restrain the respondent from enforcing their order till the appeal is taken up for admission. As rightly pointed out by the learned standing counsel for the respondent, in view of the decision reported in **AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)** such a relief cannot be sought. Final relief under Article 226 of the Constitution of India cannot be granted in the nature of interim relief. Be that as it may, the respondent fairly undertakes not



W.P(MD)No.21462 of 2022

to enforce their order in question till 13.10.2022.

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3.Recording the submission of the learned standing counsel, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.21462 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.21462 of 2022

21.09.2022