



W.P(MD)No.23823 of 2022

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.10.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.23823 of 2022**

**and**

**W.M.P(MD)Nos.17905 & 17906 of 2022**

M/s.Hotel PVK Grand,  
Represented by its Proprietor  
R.Perumal  
No.80A, Thadicombu Road,  
Dindigul – 624 001.

... Petitioner

**Vs**

1.The Assistant Provident Fund Commissioner,  
Employees' Provident Fund Organization,  
District Office,  
16, A.R.S.Road,  
Bava Lodge Building,  
Nagal Nagar,  
Dindigul – 624 003.

2.The Branch Manager,  
Canara Bank,  
Dindigul SME Branch,  
67/74, Municipal Colony,  
Nehruji Nagar, 80 Feet Road,  
Dindigul.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent issued to the second respondent in reference No.TN/MD/DO/DGL/1508093/Recovery/M-13/7A/8F/2022, dated 28.09.2022 for deducting the amount of Rs.26,09,499/- from petitioner Bank account and quash the same and to issue such other appropriate directions or orders to the First Respondent.

For Petitioner : Mr.M.N.Ramkumar

For Respondents : Mr.Anwar Sameen for R.1

Mr.C.Karthik for R.2

### **ORDER**

Heard the learned counsel on either side.

2. The writ petitioner suffered an order under Section 7(A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The assessee failed to prefer the statutory appeal within 60 days. It appears that they filed the appeal with a delay of 17 days. In the meanwhile, the restraint order came to be passed and a sum of Rs.1,23,375/- had been recovered from the petitioner's account by the second respondent Bank. Even according to the petitioner, a sum of morethan Rs.5,00,000/- is due. Therefore, the appropriation made by the first respondent does not call for any interference. Since the petitioner has already availed the statutory remedy, the



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impugned communication is put on hold for a period of two months from today (17.10.2022). It is for the petitioner to number the condone delay petition and pursue the matter before the Appellate Tribunal. No further order is required at this point of time.

3. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

**17.10.2022**

Index : Yes / No  
Internet : Yes/ No  
mga

To

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**G.R.SWAMINATHAN, J.**

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