



W.P(MD)No.27362 of 2022

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DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27362 of 2022

and

W.M.P.(MD)Nos.21457 and 21459 of 2022

M/s.Naga Limited – Detergent,
Rep. by its Authorized Signatory,
No.3/1, Oddanchatram Road,
Vedasandur – 624 710,
Dindigul District.

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of order passed by the Honble Central Government Industrial Tribunal Cum Labour Court, Chennai dated 23.09.2022 made in EPFA No.75/2022 insofar as depositing 50 percent of the entire dues of Rs.1,21,80,131/- as determined in the 7A order dated 11.04.2022 passed by the respondent and quash the same.



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For Petitioner : Mr.K.Hemakarhikeyan,
For Mr.M.Elanchezhian

For Respondent : Mr.V.S.Karthi,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent.

2.The petitioner is an assessee covered by the provision of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952. They suffered an order under Section 7A of the Act. Aggrieved by the same, the petitioner filed E.P.F.A.No.75 of 2022 before the Tribunal. The Tribunal vide order dated 23.09.2022 had stipulated a condition that the petitioner must deposit 50% of the entire dues. Aggrieved by the said condition, the present writ petition has been filed.

3.As rightly pointed out by the learned standing counsel for the respondent, this is purely a discretionary order, which may not warrant interference in exercise of jurisdiction under Article 226 of the Constitution of India.



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4.Nevertheless, taking note of the contentions advanced by the learned counsel for the petitioner and the special facts and circumstances prevailing in this case, I modify the condition from 50% to 25%. In other respects, the impugned order will hold good. The petitioner is granted four more weeks from today to comply with the modified condition.

5.The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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