



W.P.(MD)No.28170 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28170 of 2022

and

W.M.P.(MD)No.22240 of 2022

M/s.JJ College of Engineering and Technology,
Represented through its Chairman,
Poolankulathupatti,
Trichy - 620 009.

... Petitioner

Vs.

1. The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
No.18, Sri Complex,
Madurai Road,
Trichy - 625 008.

2. The Enforcement Officer,
Employees' Provident Fund Organization,
Regional Office,
No.18, Sri Complex,
Madurai Road,
Trichy - 625 008.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents not to take coercive steps when an appeal had been admitted and pending before the Appellate Tribunal in E.P.F.A.No.28 of 2022.

For Petitioner : Mr.C.Karthikeyan

ORDER

This Writ Petition has been filed to direct the respondents not to take coercive steps when an appeal had been admitted and pending before the Appellate Tribunal, in E.P.F.A.No.28 of 2022.

2. The case of the petitioner is that the petitioner College was founded by J.J.Educational Health and Charitable Trust on 05.08.1994. The Beneficiaries of the Trust are the public. The parents of the students, i.e., the farmers were fighting for their livelihood. In such circumstances, the Petitioner College requested the Management to waive or reduce the fees. But being a Charitable Trust, the petitioner was not having any harassing attitude to collect the fees from the students like other colleges, which made the Management to pay the salary to the teaching and non-teaching staffs in



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every month belatedly, which made the Management to remit the EPF Contribution belatedly and not in the prescribed time. Thereafter, the EPF Authorities concluded the enquiry and passed the *exparte* order on 27.09.2021 and the same was received on 01.10.2021 under Section 15B of the Employees' Provident Fund, Act (hereinafter referred to as 'the Act') claiming damages to the tune of Rs.15,68,248/- for the period from April' 2019 to March' 2020. Aggrieved over the same, the petitioner preferred an appeal against the order of the respondents before the Appellate Tribunal as per Section 71 of the Act and the same was numbered as E.P.F.A.No.28 of 2022. The Appellate Tribunal has passed a conditional order to deposit a sum of Rs.5,00,000/- on or before 11.07.2022 and thereafter, the stay was extended till 26.09.2011. Challenging the same, the petitioner had filed a Writ Petition in W.P.(MD)No.18414 of 2022. This Court, by an order, dated 16.08.2022, dismissed the Writ Petition on the ground that already interim order was granted by this Court and the same was vacated for non-deposit of the amount. Thereafter, the first respondent had issued the recovery notice, dated 22.11.2022. Challenging the same, the present Writ Petition.



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3. The learned counsel appearing for the petitioner would submit that this Court without going into the merits of the case, issued a direction to the petitioner to deposit a sum of Rs.5,00,000/- within a period of four weeks.

4. Considering the limited request made by the learned counsel appearing for the petitioner and the fact that the petitioner himself has come forward to deposit a sum of Rs.5,00,000/- within a period of four weeks, this Court is inclined to pass the following directions:

(i) The petitioner is directed to deposit a sum of **Rs.5,00,000/-** (Rupees Five Lakhs only) to the EPF Authorities within a period of four weeks from the date of receipt of a copy of this order and produce the proof of receipt before the Appellate Tribunal. On receipt of the same, the Appellate Tribunal shall decide the appeal within a period of twelve weeks thereafter. Till such time, the Respondents are directed not to enforce the impugned recovery notice for a period of four weeks, till the payment of Rs.5,00,000/-.

(ii) If the petitioner has failed to pay the conditional amount of Rs.5,00,000/- within a period of four



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weeks, liberty is granted to the Respondents to proceed further with the impugned recovery notice in accordance with law.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

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