



W.P.No.5147 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5147 of 2018

and W.M.P.No.6318 of 2018

M/s.Mag Engineers,
Rep by its Managing Partner
M.Gangadharan,
153, Sidco Industrial Estate-II
Malumichamapatti (P.O),
Coimbatore-641 021.

.. Petitioner

Vs.

1. The Registrar,
Central Government Industrial Tribunal,
cum Labour Court,
Haddows Road, Subba Road Avenue,
Nungambakkam, Chennai-600006
Tamil Nadu

2.The Assistant Provident Fund Commissioner
Employees Provident Fund Organisation,
Bhavisyanidhi Bhavan
Dr.Balasundaram Road,
Coimbatore-641 018

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ and in particular Writ of Mandamus refraining the 2nd Respondent or his men or agency in any way enforcing the order made by the 2nd respondent in Letter No.TN/R.O/CBE/PDC/CC11/73190/14B PROCEEDING/2015 dated 20.01.2015 as against the petitioner/Management.

For petitioner : M/s.A.Deivasigamni

For Respondents : Mr.C.Kulanthaivel for R2

ORDER

This Writ Petition has been filed seeking to forbear the 2nd respondent from enforcing the order of the 2nd respondent dated 20.01.2015.

2. It is the case of the petitioner that citing belated remittance of the Employees Provident Fund for the period from 01.04.2013 to 31.12.2013, proceedings under Section 7A of the EPF & MP Act were initiated against the petitioner resultantly the notice has been issued under Sections 14B and 7Q of the Act, levying penalty for damages and interest. However, the petitioner made a representation dated 25.03.2015 to the 2nd



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respondent requesting to adjust excessive payments which were made through monthly contributions for the period between August 2008 to March 2014. However, without considering the same, the 2nd respondent is taking coercive step to recover the amount determined under Sections 14B & 7Q of the EPF & MP Act. Aggrieved by the same, the petitioner has come up with this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 25.03.2015 before passing final orders pursuant to the notices issued under the Act.

4. On the above contention, this Court heard the learned counsel appearing for the 2nd respondent.

5. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the 2nd respondent to



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consider the petitioner's representation dated 25.03.2015 before passing final orders pursuant to the notices issued under Sections 14B & 7Q of the Act and pass appropriate orders in accordance with law.

6. Accordingly, the Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

25.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

NHS



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To

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M.DHANDAPANI, J.

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