



W.P.Nos.13549 and 30251 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.13549 and 30251 of 2018

And

W.M.P.Nos.15966 and 35308 of 2018

M/s.Allied Investment & Housing Private Limited

Represented by

Managing Director

... Petitioner in both the W.Ps.

Vs.

The Regional Provident Fund Commissioner – I

Employees Provident Fund Organization

Ministry of Labour and Employment,

Government of India,

37, Royapettah High Road,

Chennai – 600 014.

... Respondent in both the W.Ps.

Prayer in W.P.No.13549 of 2018:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records vide Ref. No.TN/CHN-1/ 50190/D-25/PDC/2018 dated 12.04.2018 on the file of the respondent and quash the same on the ground of non-speaking, arbitrary and unreasonable orders.

Prayer in W.P.No.30251 of 2018:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records vide Ref. No.TN/CHN-1/ 50190/D-25/PDC/2018 dated 08.10.2018 on the file of the



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respondent and quash the same on the ground of non-speaking, arbitrary, against the settled principles and unreasonable.

For Petitioner : Mr.P.C.Harikumar
For Respondent : Mr.K.Venkatesan

COMMON ORDER

The petitioner has filed these writ petitions seeking issuance of Writ of Certiorari to call for the records vide Ref. No.TN/CHN-1/50190/D-25/PDC/2018 dated 12.04.2018 and 08.10.2018 respectively, on the file of the respondent and to quash the same.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioner submitted that the petitioner company is a private limited company having 100 employees/ workmen and it is covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [hereinafter referred to as 'EPF Act']. The petitioner company suffered heavy loss, due to which, the petitioner was not able to pay PF contribution and administrative charges for the period from April, 2016 to March, 2018



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and November, 2015 to March, 2016 respectively. Subsequently, the petitioner remitted the amount with a delay of few months, however, the impugned orders claiming damages under Section 14B and interest under Section 7Q of the EPF Act for the delay in remitting the amount came to be issued by the respondent.

4.The learned counsel appearing for the petitioner, on instructions, further submitted that the petitioner is now ready to remit the amount demanded towards interest under Section 7Q of the EPF Act in the impugned orders, however, with regard to the amount demanded towards damages under Section 14B of the EPF Act in impugned orders, this Court may grant liberty to the petitioner to file appeal before the Appellate Tribunal in terms of Section 7I of the EPF Act.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court permits the petitioner to remit the amount demanded towards interest under Section 7Q of the EPF Act in the impugned orders dated 12.04.2018 and 08.10.2018 respectively, less than the amount already deposited, within a period of six weeks from the date of receipt of a copy of this order. If any



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excess amount is available, the same may be adjusted by the respondent towards interest for the other period. Liberty is granted to the petitioner to file appeal before the Appellate Tribunal in terms of Section 7I of the EPF Act with regard to the amount demanded towards damages under Section 14B of the EPF Act in the impugned orders dated 12.04.2018 and 08.10.2018 respectively, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the Appellate Authority shall consider the same and pass appropriate orders. Till such appeal is filed, the respondent shall not take any coercive step as against the petitioner.

6.The writ petitions are disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

08.09.2023

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Note: Registry is directed to return the original impugned orders to the learned counsel appearing for the petitioner so as to enable the petitioner to approach the Appellate Authority.

Speaking Order/ Non Speaking Order
Index: Yes/ No

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Internet: Yes/ No

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To

The Regional Provident Fund Commissioner – I
Employees Provident Fund Organization
Ministry of Labour and Employment,
Government of India,
37, Royapettah High Road,
Chennai – 600 014.



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M.DHANDAPANI,J.
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