



WEB COPY



W.P.No.39445 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.39445 of 2016

and

W.M.P.No.33729 of 2016

M/s.Giriguja Publications Pvt Ltd.,
No.56/21, Giriguja Enclave,
Sastri Nagar First Avenue,
Adyar, Chennai – 600 020.
Rep. by its Director Mr.S.Sundaraman

... Petitioner

Vs.

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

2.The Recovery Officer,
Employees Provident Fund Organization,
Ministry of Labour and Employment,
Government of India, Regional Office,
37, Royapettah High Road,
Chennai – 600 014.

... Respondents



W.P.No.39445 of 2016

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of impugned demand notice TN/CHN/Recy//CP1/TN/83334 & 83490/Regl/2016 dated 22.09.2016 to defaulter conveying that RRC No.328, 1673, 342 & 1677 have been forwarded by the second respondent and quash the same and direct the respondents to consider the petitioner representation dated 27.09.2016 on merits.

For Petitioner : Mr.Thiageswaran
for M/s.Waraon & Sai Rams

For Respondents : Mr.V.Sundareswaran
Senior Panel Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of impugned demand notice TN/CHN/Recy/CP1/TN/83334 & 83490/Regl/2016 dated 22.09.2016 to defaulter conveying that RRC No.328, 1673, 342 & 1677 have been forwarded by the second respondent and quash the same and direct the respondents to consider the petitioner representation dated 27.09.2016 on merits.



W.P.No.39445 of 2016

WEB COPY

2. The case of the petitioner is that, the first respondent made a wrong calculation of EPF amount in respect of the petitioner organization's Employees Provident Fund account, against which, the petitioner filed a review on 20.06.2016. However, without providing any opportunity to the petitioner, the respondent passed an *ex-parte* order. Thereafter, the petitioner made a representation against the *ex-parte* order, however, for the reason best known to the respondents, till date, the said representation was not disposed by the respondents. However, the respondents issued the impugned demand notice No.TN/CHN/Recy/CP1/TN/83334 & 83490/Regl/2016 dated 22.09.2016. Challenging the same, the above writ petition has been filed.

3. The learned counsel for the petitioner submitted that, pursuant to the impugned demand notice dated 22.09.2016, the petitioner made a representation dated 27.09.2016 before the respondents. Hence, he submits that, it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 27.09.2016 and pass appropriate orders within a time frame that may be fixed by this



W.P.No.39445 of 2016

Court.

WEB COPY

4. On the above said contentions, heard the learned Senior Panel Counsel appearing for the respondents and perused the materials available on record.

5. Considering the limited request sought for by the petitioner, this Court, without interfering with the impugned demand notice dated 22.09.2016, directs the respondents to consider the petitioner's representation dated 27.09.2016 and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. It is open to the respondents to initiate appropriate action against the petitioner in the manner known to law, for recovery of the demand amount, if the petitioner's representation is not satisfied to them.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

09.08.2023

Index : Yes / No



W.P.No.39445 of 2016

Speaking order / Non-speaking order
sp

To

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W.P.No.39445 of 2016

M.DHANDAPANI, J.

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W.P.No.39445 of 2016

09.08.2023