



WEB COPY



WP.No.30900 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

WP.No.30900 of 2014
and M.P.Nos.1 & 2 of 2014

The Management of
Ammarun Foundries
80/6-A, Rathinagiri Road
Vilankuruchi
Coimbatore – 641 035
Rep. by its General Manager

.. Petitioner

Versus

1. Regional Provident Fund Commissioner
Employees' Provident Fund Organisation
Regional Office, Coimbatore – 641 018

2. Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
Regional Office, Coimbatore – 641 018

3. Enforcement Officer
Employees' Provident Fund Organisation
Regional Office, Coimbatore – 641 018

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records of the first respondent in file No.TN/RO/CBE/Enf-C/CC-16/33724/2013 and quash the order dated 28.01.2013, refusing to review order dated 02.12.2010 in file



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No.TN/CB/33724/CC-16/Enf/2010 of the 1st respondent and further pass orders directing the 1st respondent to refund the sum of Rs.29,17,024/- paid by the writ petitioner consequent to the impugned order, together with interest.

For Petitioner : Mr.G.B.Saravanabhavan

For Respondents : Mr.R.Meenakshi
Standing Counsel

ORDER

This writ petition is filed challenging the order of the first respondent in file No.TN/RO/CBE/Enf-C/CC-16/33724/2013 and quash the order dated 28.01.2013, refusing to review the order dated 02.12.2010 in file No.TN/CB/33724/CC-16/Enf/2010 of the 1st respondent and further pass orders directing the 1st respondent to refund the sum of Rs.29,17,024/- paid by the writ petitioner consequent to the impugned order, together with interest.

2. The petitioner had initially challenged the Order under 26 F of the Employees' Provident Funds Scheme, 1952 read with Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. This Court, in W.P.No.5213 of 2011, had not accepted the argument that it is an order under 26B and not an order under 7A alone. However, it, granted liberty to the petitioner to file a review under Section 7-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Accordingly, a



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review had been filed and Order has been passed. Challenging that the present writ petition is filed against the Order 7 B as well as the original Order under 7A.

3. This Court is of the view that an appeal is maintainable against the orders impugned before the CGIT, Chennai under the EPF Act. Therefore, I dismiss the writ petition. The petitioner is permitted to file an appeal before the EPF Appellate Authority. The appeal shall be filed within a period of 30 days. The appeal shall be entertained without insisting on limitation. It is open to the appellate authority, under Section 7(O), to either fix 75% of the amount or such other amount as it deems fit as conditional pre-deposit.

4. The learned counsel for the petitioner would submit that the entire amount has been paid by the petitioner and it is lying with the hands of the department. Therefore, at the time of filing 7(O) application, the Tribunal shall take into consideration of the fact that the entire amount has already been paid. It is made clear that the appeal shall be filed within a period of 30 days from today, in case, the petitioner fails to do so, the petitioner will not be entitled to get the benefits of this order.



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5. Accordingly, this writ petition stands dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

30.06.2023

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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