



W.P.No.19025 of 2022  
and W.M.P.No.24889 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

**THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

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and  
W.M.P.No.24889 of 2022

M/s.T.Abdul Wahid & Co,  
Rep. by its Managing Partner,  
Mr.T.Faizan Ahmed  
No.55, Vepery High Road,  
Periamet, Chennai - 600 003.

... Petitioner

Vs.

1.The Central Board of Trustees  
Employees Provident Fund Organisation Head Office  
Bhavishya Nidhi Bhavan,  
No.14, Bhikaji Cama Place,  
New Delhi - 110 066.

2.The Regional Provident Fund Commissioner,  
Employees Provident Fund Organisation,  
Regional Office,  
S-1, TNHB, Phase-III,  
Sathuvachey, Vellore - 632 009.

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to hear, decide and pass orders on the petitioner's representations dated 05.03.2020 and 03.11.2021 and waive the damages of Rs.1,37,05,491/- and adjust the same towards future PF statutory payments.

For Petitioner : Mr.K.M.Aasim Shehzab

For Respondents : Mr.P.K.Panneer Selvam

### **ORDER**

The present writ petition is filed to direct the first respondent to consider the petitioner's representations dated 05.03.2020 and 03.11.2021 and waive the damages of Rs.1,37,05,491/- and adjust the same towards future PF statutory payments.

2.The minimum facts required for the disposal of the writ petition are as follows :

The petitioner is the Managing Partner in M/s.T.Abdul Wahid & Company which is engaged in the business of leather manufacturing since 1949. They are also exporting leather products to USA and



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European countries. He had a bank account with State Bank of Hyderabad and had a healthy relationship with them till 2017. However, his account was declared as Non Performing Asset on 14.06.2019 and was shifted to the Stressed Asset Management Branch of State Bank of India. On 01.09.2020, the petitioner submitted an offer of one time settlement of all its dues payable to the State Bank of India. The State Bank of India also accepted the offer, vide letter dated 23.12.2020 bearing Ref.No.SAMB/CLO II/1102.

The contention of the writ petitioner is that the representations dated 05.03.2020 and 03.11.2021 to the first respondent seeking waiver of damages and adjustment of the amount of Rs.1,37,05,491/- paid by them towards future Contribution of Provident Fund were not considered till date.

3. Mr.K.M.Aasim Shehzab, learned counsel for the petitioner contended that the majority of the employees in the factory are ladies and if the factory comes to a standstill, all of them will lose their job and this



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WEB COPY aspect has to be considered by the respondents while disposing the representations of the first respondent.

4. Mr.P.K.Panneer Selvam, learned counsel for the respondent contended that as per proviso to Section 14(B) of Employees Provident Funds Act the company has to be declared as Sick Industrial Unit in respect of which a scheme for rehabilitation has to be sanctioned by the Board for the Industrial and Financial Reconstruction under Section 4 of the Sick Industrial Companies (Special Provisions) Act 1985, subject to such terms and conditions as may be specified in the scheme. Since this has not been done in the instant case the representation of the present petitioner cannot be favourably considered by the respondents.

5. Be that as it may, the petitioner had submitted two representations to the first respondent and the first respondent has to decide the same, one way or the other and he cannot keep it pending without passing any order. In the circumstances, the first respondent is directed to dispose of the representations of the petitioner within a period



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of eight weeks from the date of receipt of a copy of this order on merits.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**04.10.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
mtl

To

1.The Central Board of Trustees  
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**R. HEMALATHA, J.**  
mtl

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