



W.P.No.28254 of 2023
and W.M.P.Nos.27777, 27775 & 31644 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

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Faiyas Mohammed Salahudeen,
Director,
M/s.Olympic Wedding Cards Pvt. Ltd.,
No.59, 60, Vyasarpadi Industrial Estate,
E.H.Road, Vyasarpadi, Chennai - 39
Vs.

... Petitioner

1.The Regional Provident Fund Commissioner,
Employee's Provident Fund Organisation,
Bhavishaya Nidhi Bhawan,
No.37, Royapettah High Road, Chennai - 14.

2.The Recovery Officer,
Employee's Provident Fund Organisation,
Bhavishaya Nidhi Bhawan,
No.37, Royapettah High Road,
Chennai - 14.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relevant to the order in CHN-1/TN/30770/Div.23/Enf/2019 dated 30.12.2019 passed by the first respondent and quash the same.

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For Petitioner : Mr.D.Velmurugan
For RR1 & 2 : Ms.D.Hariniyadav
for Mr.K.Venkatesan

ORDER

Challenging the orders dated 30.12.2019 passed by the Regional Provident Fund Commissioner, Chennai, under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the present writ petition is filed.

2. The writ petitioner is running a business of manufacturing, selling and printing wedding cards and it is covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act'). On 30.12.2019, the first respondent initiated proceedings under Section 7A of the Act. After giving an opportunity of being heard, the 1st respondent passed an Award directing the writ petitioner to pay a sum of Rs.73,78,896/-.



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3. According to the writ petitioner, the Enquiry Officer has not offered the petitioner Company sufficient opportunity to produce the Registers like Attendance Register and salary Register, even though they stated that they lost those Registers during 2015 floods. It is also contended by the writ petitioner that the petitioner could not challenge the orders passed by the first respondent under Section 7A of the Act before the Employees Provident Fund Appellate Tribunal within 60 days under Section 7(O) of the Act, due to financial difficulties faced by them and also due to Covid 19 Pandemic situation.

4. Ms.D.Hariniyadav, learned counsel for the respondents would contend that the order under Section 7A of the Act was issued based on the Enquiry Officer's inspection report dated 08.04.2015 and the period of default is for the period July 2013 to December 2015. The order was passed under Section 7A of the Act even before Covid 19 Pandemic situation.



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5. It is seen from the orders passed by the Regional Provident Fund Commissioner, Chennai, that the writ petitioner did not pay the Provident Fund Contribution and other dues for the period from July 2013 to December 2015. The first respondent had offered an opportunity to the present writ petitioner to explain their stance on 07.07.2015 either in person or through an authorised representative. The writ petitioner had in fact submitted the Salary Register for the relevant period. Therefore, the contention of the writ petitioner that they lost all the Registers during 2015 floods is unacceptable. The first respondent by a well reasoned order directed the present writ petitioner to pay a sum of Rs.71,86,499/-.

6. At the time of admitting the present writ petition this Court directed the petitioner to pay Rs.50,00,000/- to the credit of the second respondent vide orders dated 03.10.2023. This has also not been complied with by the writ petitioner. Learned counsel for the writ petitioner would contend that since one of the properties of the writ petitioner was attached under SARFAESI Act, they are not in a position



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to pay the amount. The writ petitioner also had not filed any appeal against the orders passed by the first respondent Authority.

7. In view of the same, this Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

28.11.2023

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

To

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R. HEMALATHA, J.

mtl

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