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W.P.No.22364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.22364 of 2023
and WMP.No.21746 of 2023

M/S.POWER BUILDERS
REP BY ITS ASSISTANT MANAGAER (HR),
MR.N.VEGATASUBRAMANIAN,
NO.57/27, ELLAIMMAN COLONY,
TEYNAMPET, CHENNAI- 600 096.

... Petitioner

Vs.

1. THE REGIONAL PROVIDENT FUND COMMISSIONER GRADE (II),
EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, CHENNAI SOUTH.

2. THE BRANCH MANAGER
INDIAN BANK,
46 C P RAMASWAMY ROAD
ABHIRAMAPURAM,
CHENNAI- 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Calling for the records of Impugned Order dated 08.06.2023 in Proceedings in E.P.F.A. No.29 / 2023 on the file of the Central Government Industrial Tribunal- cum- Labour Court, Chennai, Tamil Nadu and quash the same and waive the pre- deposit and pass.



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For Petitioner : Mr.M.Sriram

For Respondent : Mr.R.Vishnu, S.C. For R1

ORDER

The petition has been filed seeking to quash the Impugned Order dated 08.06.2023 in Proceedings in E.P.F.A. No.29 / 2023 on the file of the Central Government Industrial Tribunal- cum- Labour Court, Chennai, Tamil Nadu.

2. It is the case of the petitioner that the petitioner is a partnership firm, which is covered under the employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner was aggrieved by the proceedings initiated under Provisions of 7A of Employees Provident Fund Act for the period of assessment made between 01.04.2014 to 31.07.2015 by the first respondent and order in Diary No.307/2016 dated 26.07.2022 received on 30.07.2022. Challenging the said order, the petitioner has filed a writ petition before this Court in W.P.no.56 of 2023 challenging the Bank attachment order, the High Court, vide order dated 04.01.2023, was pleased to direct the petitioner to file an appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai within four weeks and quash the order dated 14.12.2022 attaching the bank accounts of the petitioner. The petitioner filed



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EOFA No.29 of 2023 before the CGIT along with stay petition and application for waiver of the pre-deposit contemplated as per provisions 7 (O) of the EPF, Act. On 08.06.2023 the CGIT passed a conditional order by directing the petitioner to deposit 50% of the total dues of Rs.38,63,421/-. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner company is facing financial crisis. However, without prejudice their right, the petitioner is ready to deposit 40% of the total dues within a period of four weeks from the date of receipt of a copy of this order. Thereafter, this Court may direct the CGIT to conclude the proceedings on merits within the reasonable time as fixed by this Court.

4. The first respondent have not raised any objection in this regard.

5. In view of the consent view expressed by the learned counsel on either side, this court directs the petitioner to deposit 40% of the total dues of Rs.38,63,421/- which was imposed by the CGIT, vide order dated 08.06.2023, within a period of four weeks from the date of receipt of a copy of this order.



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Upon receipt of the said amount, the CGIT shall consider the appeal and pass orders on merits, after giving opportunity to the petitioner as well as the first respondent, within a period of eight weeks thereafter.

6. With the above directions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

28.07.2023

rli

Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

To

1. THE REGIONAL PROVIDENT FUND COMMISSIONER GRADE (II),
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