



W.P.No.23404 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23404 of 2023

The Management of Trident
Facility Services Private Limited,
No.5, 1st Floor, 4th Street,
Dr.Subburayan Nagar,
Kodambakkam,
Chennai – 600 024.

Rep. by its Director Umesh Fernando

... Petitioner

Vs.

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
37, Royapettah High Road,
Chennai – 600 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to refund the amount of Rs.23,14,844/- (Rupees Twenty Three Lakhs Fourteen Thousand Eight Hundred and Forty Four only) along with interest deposited by the petitioner Company with effect of the order dated 02.01.2023 made by this Court in W.P.No.6966 of 2014.



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For Petitioner : Mr.S.Ranjith Kumar

For Respondent : Mr.R.Vishnu

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondent to refund the amount of Rs.23,14,844/- (Rupees Twenty Three Lakhs Fourteen Thousand Eight Hundred and Forty Four only) along with interest deposited by the petitioner Company with effect of the order dated 02.01.2023 made by this Court in W.P.No.6966 of 2014.

2. Mr.R.Vishnu, learned counsel accepts notice for the respondent. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, it is a Company carrying on business of manpower service by providing manpower to various industries and it is an establishment covered under Section 1(3)(b) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (in



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short 'EPF Act'). For the alleged non-payment of EPF contributions, the Controlling Authority initiated proceedings under Section 7A of the Act on 01.02.2012 and thereafter, passed an order on 13.08.2013 held that the petitioner Company is liable to pay a sum of Rs.43,36,188/- and recovered Rs.9,68,852.25/- and Rs.3,45,992.15/- on 04.09.2013 from the petitioner Company's account. Against which, the petitioner Company preferred an appeal before the appellate authority and the same was dismissed. Aggrieved by the same, the petitioner Company filed a writ petition in W.P.No.6966 of 2014 and this Court, vide interim order dated 07.03.2014 directed the petitioner to deposit a sum of Rs.10,00,000/- before the original authority and subsequently, this Court allowed the said writ petition on 02.01.2023 quashing the impugned order dated 08.01.2014 confirming the order of the respondent dated 13.08.2013. However, the said order has not been implemented, thereby, the petitioner Company sent a letter dated 21.06.2023 requesting the respondent to refund a sum of Rs.23,14,844/- deposited by the petitioner Company and the same was not considered by the respondent. Hence, the petitioner Company filed the above writ petition before this Court.



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4. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the respondent to consider the petitioner's representation dated 21.06.2023 and dispose of the same, in the light of the order passed by this Court in W.P.No.6966 of 2014, dated 02.01.2023, within a time frame that may be stipulated by this Court.

5. The learned counsel appearing for the respondent has no objection for the said order being passed.

6. Considering the limited relief sought for the petitioner, this Court, without going into the merits of the case, directs the respondent to dispose of the petitioner Company's representation, dated 21.06.2023 in the light of the order passed by this Court in W.P.No.6966 of 2014, dated 02.01.2023, within a period of four (4) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the writ petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
37, Royapettah High Road,
Chennai – 600 014.



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M.DHANDAPANI, J.

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