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W.P.No.24789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24789 of 2023

and

W.M.P.No.24210 of 2023

M/s.Ruby Builders and Promoters,
Rep. by its Partner,
Mrs.K.Ruby Manoharan,
Ruby Towers, 247 B,
Velachery Main Road, Selaiyur,
Chennai – 600 073.

... Petitioner

Vs.

The Regional Provident Fund Commissioner-I,
Regional Office, 3, Rajaji Salai,
West Tambaram, Chennai – 600 045.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the respondent office herein in No.TB/TAM/RO/ENF/CC-II/DIV522/1465952/2023 dated 09.03.2023 issued under Section 7A of Employees Provident Funds and Miscellaneous Provisions Act, 1952, quash the same in so far as it directs production of old records.

For Petitioner : Mr.G.Rajagopal



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Senior Counsel
for M/s.D.Baskar

For Respondent : Mr.R.Thirunavukarasu

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records relating to the proceedings of the respondent office herein in No.TB/TAM/RO/ENF/CC-II/DIV522/1465952/2023 dated 09.03.2023 issued under Section 7A of Employees Provident Funds and Miscellaneous Provisions Act, 1952, quash the same in so far as it directs production of old records.

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

3. The case of the petitioner is that, the petitioner is Builders and Promoters and they are engaging labourers for its projects in and around Chennai and they are regularly paying the Employees Provident Fund



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contributions to the respondent. Whiles, the respondent issued a 7A proceedings in Diary No.20 of 2015 to the petitioner and they are conducting enquiry. After issuance of notice, the petitioner participated in the enquiry and produced the records available with them from the year 2006 to 2007 and no further records is available with them. However, the respondent was insisting the petitioner to produce the old records, which is not available with the petitioner. In view of the above harassment, the petitioner has filed the above writ petition before this Court.

4. The learned Senior Counsel appearing for the petitioner submitted that, whatever the records available with the petitioner was produced before the respondent already and they have effectively participating in the proceedings initiated by the respondent. However, even then, the proceedings initiated by the respondent was not concluded. Hence, he submits that, this Court may issue a direction to the respondent to conclude the proceedings in terms of the judgment passed by the Apex Court in Civil Appeal No.5717 of 2001 vide order dated 03.04.2008 in the case of ***H.P. State Forest Corporation Vs. Regional Provident Fund***



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Commissioner as expeditiously as possible.
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5. The learned counsel appearing for the respondent submitted that, the proceedings initiated against the petitioner will be concluded in the manner known to law, within a reasonable time that may be fixed this Court.

6. In view of the above submissions, this Court, without interfering with the impugned proceedings dated 09.03.2023 issued under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, directs the respondent to conclude the proceedings initiated against the petitioner strictly in terms of the judgment passed by the Apex Court in the case of *H.P. State Forest Corporation Vs. Regional Provident Fund Commissioner*, vide order dated 03.04.2008, within a period of twelve (12) weeks from the date of receipt of a copy of this order, without insisting for production of old records, which is not available with the petitioner.



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7. This writ petition is disposed of with the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

24.08.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

The Regional Provident Fund Commissioner-I,
Regional Office, 3, Rajaji Salai,
West Tambaram, Chennai – 600 045.



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M.DHANDAPANI, J.

sp

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