



WEB COPY



W.P.No.30600 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

W.P.No.30600 of 2023 and
W.M.P.No.30245 of 2023

M/s.GVK Green Health Services
(formerly GVK Emergency Management
Research Institute)
DMS Campus, Anna Salai, Teynampet,
Chennai- 600 006.
Rep. by Head- Human Resources

... Petitioner

Vs.

Regional Provident Fund Commissioner- I
No.37, Royapettah High Road,
Chennai- 600 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, forbearing the Respondent from proceeding with the recovery or any distress proceedings pursuant to the order of the Respondent Ref. No.CHN / TN / 54904/ CC-1 /Div 17 / ENF 2022, dated 21/08/2023.

For Petitioner : Mr.S.Sai Prasad for
M/s.Sai Raaj Associates

For Respondent : Mr.R.Vishnu,
Standing Counsel



W.P.No.30600 of 2023

WEB COPY

ORDER

The petitioner / M/s.GVK Green Health Services is a society registered under the Societies Registration Act and rendering services of providing free ambulance services throughout the State of Tamil Nadu under a partnership arrangement between them (the petitioner) and the Government of Tamil Nadu. According to the petitioner, it is a non-profitable organization solely with the object of providing noble service. While so, the respondent/Regional Provident Fund Commissioner-I, Chennai vide his orders dated 21.08.2023 in Diary No.723/2022 quantified the Employees Provident Fund amount under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. The petitioner Management was directed to remit a sum of Rs.7,00,33,332/- to the respective employees Provident Fund account maintained by the State Bank of India, failing which, there would be levy of damages under Section 14B of the Act with interest under Section 7Q of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 besides recovery of the said amount as specified under Section 8 of the Act. Aggrieved over the said orders passed by the respondent i.e., Regional Provident



W.P.No.30600 of 2023

WEB COPY

Fund Commissioner-I, Chennai, the Writ Petitioner had filed an appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai in EPFA No.156/2023.

2. Mr.S.Sai Prasad, learned counsel for the petitioner contended that there is no Presiding Officer for Central Government Industrial Tribunal cum Labour Court, Chennai and therefore, the respondent should be restrained from recovering the EPF amount as mentioned in his orders dated 21.08.2023 till the disposal of the appeal in EPFA No.156/2023.

3. Mr.R.Vishnu, learned Standing Counsel appearing for the respondent contended that the amount payable by the petitioner is huge sum of Rs.7,00,33,332/-. Therefore, the petitioner must be directed to pay atleast 50% of the amount.

4. The learned counsel for the petitioner contended that the



W.P.No.30600 of 2023

WEB COPY

Writ Petitioner is ready to pay a sum of Rs.1,00,00,000/- towards EPF amount.

5. In the circumstances, the Writ Petitioner is directed to pay a sum of Rs.1,00,00,000/- (Rupees One Crore only) to the credit of the Regional provident Fund Commissioner I, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. If the amount is not paid within the stipulated period, the respondent is at liberty to proceed further against the petitioner in accordance with law as per the orders dated 21.08.2023.

6. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

30.10.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

The Regional Provident Fund Commissioner- I

Page 4 of 6



W.P.No.30600 of 2023

No.37, Royapettah High Road,
Chennai- 600 014.

R. HEMALATHA, J.



WEB COPY



W.P.No.30600 of 2023

vum

W.P.No.30600 of 2023 and
W.M.P.No.30245 of 2023

30.10.2023