



W.P.No.34089 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34089 of 2017

And

W.M.P.Nos.37840, 37841 of 2017 and 6736 of 2022

M/s.KJK Polydiamonds International Pvt. Ltd.,
Rep. by its Managing Director
K.Jayakumar

... Petitioner

Vs.

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

2.The Presiding Officer,
Central Government Industrial Tribunal cum
Labour Court,
Shastri Bhavan Annex,
Haddows Road,
Chennai – 6.

3.The Branch Manager,
State Bank of India,
110/1, N.H.Road,
Nungambakkam,
Chennai – 34.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari calling for the records on the files of the first respondent attachment order in No.CHN/TN/52017/ Recovery / DIV22/

REGIONAL/2017 dated 05.12.2017 and quash the same being illegal, invalid, without jurisdiction and violated the principles of natural justice.

For Petitioner : Mr.D.Vijayakumar
For Respondents : Mr.K.Venkatesan for R1
Standing Counsel
R2 – Tribunal
Mr.C.Mohan for R3
M/s.King and Partridge

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records on the files of the first respondent attachment order in No.CHN/TN/52017/ Recovery / DIV22/

REGIONAL/2017 dated 05.12.2017 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the first respondent without considering the explanation given by the petitioner for the proceedings under Section 7 (A) of the Employees Provident Fund and Miscellaneous Provisions Act [hereinafter referred to as the 'Act'], issued notice under Sections 7Q



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and 14B of the Act. Thereafter the petitioner preferred appeal before the Appellate Authority in E.P.F.A.Nos.13 and 14 of 2017 and the Appellate Authority granted stay in E.P.F.A.No.14 of 2017, however, the first respondent all of a sudden issued the attachment order dated 05.12.2017.

3.The learned counsel appearing for the petitioner further submitted that the attachment order was not challenged before the Tribunal since the Tribunal was not functioning at the relevant point of time. Hence, this Court may grant liberty to withdraw this writ petition and file appeal before the Appellate Authority.

4.In view of the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the order impugned in this writ petition, grants liberty to the petitioner to approach the Appellate Authority.

5.With the above liberty, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.

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To

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