



W.A. No.2837 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A. No.2837 of 2022

M/s.Devi Spinning Mills Ltd.,
rep. By its Director, Dr.D.Venkataraman ... Appellant

Vs

- 1.Regional Provident Fund Commissioner,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
S.J. Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004
- 2.Assistant PF Commissioner,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
S.J. Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004
- 3.The Recovery Officer,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
Jayalakshmi Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004



W.A. No.2837 of 2022

4.K.Elangovan

WEB COPY

5.M/s.MSTC,
Leelavathi Building,
2nd Floor, No.69, Armenien Street,
Chennai 600 001

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.11.2022 in WMP No.36297 of 2019 in WP No.35476 of 2019.

For the Appellant :: Mr.Naveen Kumar Murthi,
for Mr.S.Varsha

For the Respondents :: Mr.P.K.Paneerselvam

JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned order dated 30.11.2022 in WMP No.36297 of 2019 in WP No.35476 of 2019.

2. Mr.Naveen Kumar Murthi, learned counsel for the appellant would submit that when the writ petition came up for admission, the learned Single Judge passed a conditional interim order, directing the appellant to pay 25% of the contribution amount determined by the authorities. According to the appellant, the same was paid on



W.A. No.2837 of 2022

WEB COPY

3. When the writ petition came up for hearing on 30.11.2022, the learned Single Judge directed the appellant to pay 50% of the dues pending, during the pendency of the writ petition. According to the respondents, the appellant was liable to pay a sum of Rs.52,60,742/- towards dues. The grievance of the appellant is that the further direction to pay 50% of the dues amount is highly untenable and unjustifiable. According to the appellant, the entire amount has already been paid.

4. Mr.P.K.Paneerselvam, learned counsel for respondents 1 to 3 submitted that even as per the order passed by the Recovery Officer dated 03.12.2019, the appellant has to pay a sum of Rs.71,07,157/-. Only out of the said amount, the appellant has paid 25% as directed by this Court. Therefore, it is not open to the appellant to contend before this Court that the conditional order directing payment of 50% is unacceptable.



W.A. No.2837 of 2022

WEB COPY

5. The learned counsel for the appellant pleaded before us that even the order passed by the Recovery Officer is unacceptable and unjustified.

6. The matter needs to be gone into by the learned Single Judge on the basis of the documents filed along with the writ petition. Therefore, in view of the above, without entering into the disputed issue, we set aside the order dated 30.11.2022 imposing further condition and we remand the matter back to the learned Single Judge to hear the main writ petition on merits and pass appropriate orders.

7. The writ appeal is disposed of accordingly. There will be no order as to costs. Consequently, CMP 23213 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
10.01.2023

Index : Yes/No
Neutral Citation : Yes/No
tar



W.A. No.2837 of 2022

WEB COPY

- 1.Regional Provident Fund Commissioner,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
S.J. Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004
- 2.Assistant PF Commissioner,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
S.J. Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004
- 3.The Recovery Officer,
Employees Provident Fund Corporation,
Sub Regional Office EPFO,
Jayalakshmi Plaza, 1st & 2nd floor,
Anna Salai, Swarnapuri,
Salem 636 004



WEB COPY



W.A. No.2837 of 2022

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

W.A. No.2837 of 2022

10.01.2023