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W.A. Nos.2650, 2651, 2652, 2653, 2655 & 2656 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.2650 of 2023 and C.M.P. Nos.22278 & 22279 of 2023

W.A. No.2651 of 2023 and C.M.P. Nos.22280 & 22282 of 2023

W.A. No.2652 of 2023 and C.M.P. Nos.22283 & 22286 of 2023

W.A. No.2653 of 2023 and C.M.P. Nos.22285 & 22287 of 2023

W.A. No.2655 of 2023 and C.M.P. Nos.22295 & 22299 of 2023

W.A. No.2656 of 2023 and C.M.P. No.22294 of 2023

The Assistant Provident Fund Commissioner
Employees' Provident Fund Organisation
Bhavishya Nidhi Bhavan
Dr. Balasundaram Road
Coimbatore 641 018

Appellant in all W.As.

v

1 The Employees Provident Funds Appellate Tribunal
(Ministry of Labour & Employment,
Government of India)
Scope Minar, IV Floor
Core – 2, Laxmi Nagar
New Delhi 110 092

R1 in all W.As.

2 Venkat Ganga Textiles
3/48-C, Sathy Road
Kariyampalayam
Annur, Coimbatore 641 653

R2 in W.A.No.2650 of 2023

2 Sri Ramalinga Choodambigai Mills Ltd.
represented by its Director A. Rajagopal
59/A/15, B.S. Sundaram Road
Tiruppur 638 601

R2 in W.A. No.2651 of 2023



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2 Silver Cloud Coffee Estate (P) Ltd.
represented by its Manager
Gudalur
The Nilgiris 643 211

R2 in W.A. No.2652 of 2023

2 Sujay Spinners
represented by its Managing Director
483, Kamaraj Road
Uppilipalayam
Coimbatore 641 015

R2 in W.A. No.2653 of 2023

2 Indian Express Publication
(Madurai) Ltd.
152, Pankaja Mills Road
Ramanathapuram
Coimbatore

R2 in W.A. No.2655 of 2023

2 Sri Venkatesa Mills Ltd.
Palani Road
Udumalpet 642 128

R2 in W.A. No.2656 of 2023

Writ Appeals filed under Clause 15 of the Letters Patent challenging the order dated 21.06.2011 passed in W.P. Nos.21139 of 2010, 21138 of 2010, 22100 of 2010, 21140 of 2010, 21144 of 2010 and 21136 of 2010, respectively.

For appellant in
all W.As.

Mrs. R. Meenakshi
Standing Counsel for EPFO

R1 in all W.As.

Appellate Tribunal

For R2 in
W.A. Nos.2650,
2652, 2653, 2655 &
2656 of 2023

No appearance

For R2 in
W.A. No.2651 of 2023

Mr. Rajnish Pathiyil



W.A. Nos.2650, 2651, 2652, 2653, 2655 & 2656 of 2023

COMMON JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

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These writ appeals are filed impugning the order dated 21.06.2011 passed in W.P. Nos.21139 of 2010, 21138 of 2010, 22100 of 2010, 21140 of 2010, 21144 of 2010 and 21136 of 2010, respectively.

2. The appellant herein, viz., the Assistant Provident Fund Commissioner, Coimbatore, had filed the aforesaid writ petitions challenging the various orders passed by the Employees Provident Fund Appellate Tribunal, the first respondent herein, reducing the quantum of damages payable by the respective employer in the appeals preferred by the respective employer as against the levy of damages imposed on account of delayed remittance of PF dues. A Single Bench, by a detailed common order, citing various judgments of the Apex Court and various other High Courts and after consideration of the submissions made on behalf of the parties, dismissed the aforesaid writ petitions.

3. When these writ appeals were taken up for hearing today, it was submitted by the learned counsel for the appellant that these matters are squarely covered by the judgment of a Coordinate Bench of this Court, in which, one of us (SVNJ) was a Member, in **Assistant Provident Fund Commissioner v**



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Employees Provident Funds Appellate Tribunal and another¹, wherein, the powers of the Employees Provident Funds Appellate Tribunal to reduce the quantum of damages payable by the employer, was dealt with while disposing of the said writ appeal.

In view of the above submission made by the learned counsel for the appellant, these writ appeals also stand disposed of on the same lines. No costs. Connected C.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
21.09.2023

cad



W.A. Nos.2650, 2651, 2652, 2653, 2655 & 2656 of 2023

To

The Presiding Officer
Employees Provident Funds Appellate Tribunal
(Ministry of Labour & Employment,
Government of India)
Scope Minar, IV Floor
Core – 2, Laxmi Nagar
New Delhi 110 092



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W.A. Nos.2650, 2651, 2652, 2653, 2655 & 2656 of 2023

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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Common judgment in
W.A. Nos.2650, 2651, 2652, 2653,
2655 & 2656 of 2023

21.09.2023