



W.P.(MD)No.1220 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1220 of 2023

and

W.M.P(MD)Nos.1126 & 1128 of 2023

Holy Trinity International School,
Rep by its Correspondent, C.Bright.
(Managing Trustee, KSM Educational and Charitable Trust),
Melpalai, Edaicode Post,
Kanyakumari District - 629 152. ... Petitioner

Vs.

- 1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
65-A, Water Tank Road,
Nagercoil - 629 001.
2. The Manager
Indian Bank,
Edaicode Branch,
Edaicode,
Kanyakumari District - 629 152. ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent, under Section 8F of the EPF and MP Act in No.TN/NGL/Enf/C.31/1739458/8F/2022-23, dated 16.12.2022 and quash the same and consequently direct the first respondent to forbear from taking recovery proceedings, based on the order of the 1st respondent under Section 7A of the Act in TN/NGL/ENF/Circle 31/1739458/2022, dated 07.10.2022, pending orders on admission and stay application in the appeal filed by the petitioner in EPFA No.165/2022, before the Central Government Industrial Tribunal cum Labour Court, Chennai.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.J.S.Murali - for R1

Mr.C.Karthik - for R2

ORDER

This Writ Petition has been filed to call for the records on the file of the 1st respondent, under Section 8F of the EPF and MP Act in



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No.TN/NGL/Enf/C.31/1739458/8F/2022-23, dated 16.12.2022 and quash the same and consequently direct the first respondent to forbear from taking recovery proceedings, based on the order of the 1st respondent under Section 7A of the Act in TN/NGL/ENF/Circle 31/1739458/2022, dated 07.10.2022, pending orders on admission and stay application in the appeal filed by the petitioner in EPFA No.165/2022, before the Central Government Industrial Tribunal cum Labour Court, Chennai.

2. The case of the petitioner is that the petitioner is a Correspondent of Holy Trinity International School and Managing Trustee, KSM Educational and Charitable Trust and is covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter 'Act' for the sake of brevity). On 07.10.2022, the first respondent has initiated an action under Section 7A of the Act for recovery of a sum of Rs.60,85,121/- from the petitioner on the ground that the petitioner has not contributed the Employees Provident Fund to the concerned Authority. After deducting the payment of Rs.3,83,246/- a balance contribution of Rs.57,01,875/- has been demanded to be paid within 60 days from the date of receipt of this order.



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Challenging the said order, the petitioner had filed an appeal before the Tribunal on 12.12.2022 and the Tribunal posted for admission on 23.02.2023. In the meantime, the respondents had taken coercive steps directing the second respondent Bank where the petitioner is maintaining its bank account, to recover a sum of Rs.57,01,875/- from the petitioner by passing the impugned order, dated 16.12.2022, under Section 8F of the Act. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the order passed under Section 7A by the first respondent and the same was challenged before the Employees Provident Fund Appellate Tribunal by way of an appeal on 12.12.2022 and the Tribunal posted for admission on 23.02.2023. However, in the meanwhile, coercive steps were taken by the respondents as against the petitioner. Hence, having no other efficacious alternate remedy except to approach this Court, this Writ Petition has been filed. He further submits that the petitioner is now ready and willing to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the first respondent within a period of four weeks from the date of receipt of a copy of this



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order. He prays that this Court may issue a direction to the Appellate Tribunal to dispose of the appeal filed by the petitioner as expeditiously as possible.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Though a larger relief has been sought for by the petitioner in the present writ petition, since the petitioner is ready to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the first respondent, without expressing any view on the merits of the case, this Court directs the petitioner to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the first respondent within a period of four weeks from the date of receipt of a copy of this order. The Employees Provident Funds Appellate Tribunal is directed to dispose of the appeal filed by the petitioner within a period of 12 weeks thereafter. Till the disposal of the appeal, the respondents are directed not to take coercive steps as against the petitioner.



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6. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

23.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

To

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M.DHANDAPANI, J.

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