



W.A.(MD)No.99 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A.(MD)No.99 of 2023

and

C.M.P.(MD)No.1411 of 2023

M/s.JJ College of Engineering and Technology,
Poolankulathupatti,
Trichy – 620 009,
Through its Chariman

... Appellant

Vs.

1.The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
No.18, Sri Complex, Madurai Road,
Trichy – 625 008.

2.The Enforcement Officer,
Employees' Provident Fund Organization,
Regional Office,
No.18, Sri Complex, Madurai Road,
Trichy – 625 008.

... Respondents



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PRAYER : Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.28170 of 2022, dated 15.12.2022.

For Petitioner : Mr.C.Karthikeyan

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

Challenging the order passed by this Court in W.P.(MD)No.28170 of 2022, dated 15.12.2022, the appellant has filed this Writ Appeal.

2. The appellant / writ petitioner has filed an appeal in E.P.F.A.No.28 of 2022, before the Appellate Tribunal as against the order passed under Section 14B of the Employees Provident Fund Act. In the said appeal, interim stay was granted subject to payment of Rs.5,00,000/- on or before 11.07.2022. As against the same, the appellant has filed a Writ petition before this Court in W.P.(MD)No.18414 of 2022, and this Court by an order dated 16.08.2022, dismissed



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WEB COPY the said Writ Petition holding that the interim order already granted was vacated for non-deposit of the amount. Thereafter, the first respondent has issued the recovery notice, dated 22.11.2022. As against the same, the appellant has filed a Writ Petition before this Court in W.P.(MD)No.28170 of 2022 and this Court, by order dated 15.12.2022, disposed of the said writ petition, directing the petitioner to deposit a sum of Rs.5,00,000/- to the EPF authorities within a period of four weeks from the date of receipt of a copy of that order. Challenging the said order, the appellant has filed this Writ Appeal.

3. We have heard the learned counsel for the appellant and perused the materials available on record.

4. On a perusal of the records, it is seen that the appellant / writ petitioner has filed an appeal in E.P.F.A.No.28 of 2022, before the Appellate Tribunal and in the said appeal, interim stay was granted subject to payment of Rs.5,00,000/- on or before 11.07.2022. As against the order of the Tribunal, the appellant has filed a Writ petition before this Court in W.P.(MD)No.18414 of 2022, and this



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Court by an order dated 16.08.2022, dismissed the said Writ Petition. Since the respondent has issued a recovery notice, dated 22.11.2022, the appellant has filed a Writ Petition before this Court in W.P.(MD)No.28170 of 2022, seeking for a direction, directing the respondents not to take coercive steps when an appeal had been admitted and pending before the Appellate Tribunal in E.P.F.A.No.28 of 2022. The Writ Court, at the request of the learned counsel for the appellant, by order dated 15.12.2022, has passed an order directing the petitioner to deposit a sum of Rs.5,00,000/- to the EPF authorities within a period of four weeks from the date of receipt of a copy of that order and the said order has become final. Therefore, we are of the view that the appellant has already exhausted their remedy by filing a writ petition before this Court in W.P. (MD)No.28170 of 2022 and the was same disposed of by considering the request of the learned counsel for the appellant, but on the other hand, the appellant has now taken a different stand and filed this Writ Appeal before this Court. Therefore, we are not inclined to entertain this Writ Appeal.



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WEB COPY 5. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
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NCC : Yes / No
Index : Yes / No
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