



W.P.(MD)No.5649 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5649 of 2023

and

W.M.P.(MD)No.5256 of 2023

IndusInd Bank Limited,
Rep. by its the Branch Manager,
No.3, Village Road,
Nungambakkam,
Chennai – 600 034.

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner-I,
Employees' Provident Fund Organisation,
Regional Office, Madurai – 625 002.

2.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
District Office, AKM Complex,
Old Virudhunagar Road,
Sivakasi Madurai Region,
Virudhunagar District – 626 189.

3.M/s.SPR Granites,
No.1293/3B, SN Puram Road,
Thiruthangal, Sivakasi,
Virudhunagar District – 626 130.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in MD/MDU/DO/SVKS/97447/RECY/M-11/(DDN)/2023 dated 01.02.2023 confirming the order passed by the 2nd respondent in MD/MDU/DO/SVKS/97447/IB/M-11/(DDN)/2022 dated 09.09.2022 and quash the same.

For Petitioner : Mr.S.A.Ganapathyraman

For Respondents : Mr.P.Karthick,
Standing Counsel for R1 & R2.

* * *

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents 1 and 2. Based on the statement made by the learned counsel for the petitioner, issuance of notice to the third respondent is dispensed with.

2.The third respondent is an establishment covered under the provisions of the Employees' Provident Fund and Miscellaneous



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Provisions Act, 1952. The third respondent was liable to pay certain sum to Employees' Provident Fund Organization towards contribution of provident fund liability. The second respondent issued attachment notice and called upon the petitioner to freeze the account of the third respondent on 21.09.2022. For reasons that are not quite clear, the attachment notice was not given effect to. The third respondent was allowed to operate their bank account. Therefore, the second respondent rightly treated the petitioner as a deemed defaulter and issued appropriate proceedings. Those proceedings were also ignored by the petitioner. In these circumstances, the impugned communication dated 01.02.2023 was issued and it was followed by a further communication dated 01.03.2023 to Reserve Bank of India.

3.It appears that that third respondent had cleared a portion of their liability. According to the petitioner, the current liability of the third respondent is only Rs.6 Lakhs. The learned standing counsel is not confirming the statement. I also leave the said issue open. Whatever is the current liability of the third respondent shall be cleared by the petitioner within a period of four weeks. The petitioner through their counsel gives an undertaking that they will ensure that within the four



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weeks period, the provident fund liability of the third respondent will be cleared in full, which was the subject matter of attachment. The liability can be cleared either by the third respondent establishment or by the petitioner bank. Since an undertaking has been given before this Court, the impugned communication as well as the further communication bearing MD/MDU/DO/SVKS/97447/Recy/M-11/8F/2023, dated 01.03.2023 addressed to Reserve Bank of India shall be put on hold. If the subject liability is cleared, these proceedings shall be deemed to have been closed. If the petitioner fails to adhere to the undertaking, the impugned proceedings will spring back to life and the matter can be taken to its logical conclusion by Employees' Provident Fund Organization.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note : Issue order copy on 17.03.2023.



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G.R.SWAMINATHAN,J.

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