



W.P.(MD).No.1904 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.1904 of 2015

and

M.P.(MD).No.1 of 2015

Sri Naga Nanthana Mills Private Limited,
Vakkanankundu Post,
Aruppukottai Taluk,
Virudhunagar District,
Through its Director

... Petitioner

Vs.

1.The Regional Provident Fund Commissioner-II,
Employees' Provident Fund Organization,
Regional Office – Lady Doak College Road,
Chokkikulam,
Madurai – 625 002.

2.M/s.Sri Nagananthana Mills Workers' Union,
Vakkanankundu Post,
Kariapatti – Virudhunagar District,
Through its President,
V.Ramanathan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the
records from the file of the respondent herein in



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No.TN/24116/MDU/Enf.C/Circle 16/2014 dated 08.10.2014 and
No.M.6/MD/MDU/24116/Enf.C/2015 dated 13.01.2015 and to quash the same
and to direct the respondent to provide opportunity to the petitioner by way of
conducting 7A enquiry and to decide the matter on merits.

For Petitioner : Mr.C.Karthikeyan

For R-1 : Mr.R.RaviKumar

For R-2 : No Appearance

ORDER

This Writ Petition is filed challenging the impugned order dated 08.10.2014 and 13.01.2015 and to direct the respondent to provide opportunity to the petitioner by way of conducting 7A enquiry and to decide the matter on merits.

2. The present order is passed by the first respondent under 7A without granting any opportunity to the petitioner. The learned counsel appearing for the petitioner submitted that pending Writ Petition, the petitioner Private Limited Company had become defunct and it has referred to Official Liquidator. The petitioner is not able to contact the Company, since the Managing Director and other persons are not available.



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3. This Court is of the considered opinion that once the Company is referred to Official Liquidator, then the Official Liquidator is the authority to disburse the statutory liabilities and the amount ought to be settled by the Official Liquidator. If the matter is pending before National Company Law Tribunal, then the National Company Law Tribunal would be the appropriate authority for settling the amount. The first respondent is directed to approach the appropriate authority either the Official Liquidator or National Company Law Tribunal. If the amount is deposited then the first respondent shall disburse to the eligible employees. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

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



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S.SRIMATHY, J.

Nsr

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