



W.P.(MD).No.20041 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20041 of 2023

and

W.M.P(MD)Nos.16518 & 16520 of 2023

M/s.Excel Neat and Tidy Agency,
Represented by its Proprietor,
V.Sriram.

... Petitioner

Vs.

The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of EPF Appellate Authority / CGIT vide reference EPFA No. 128/2022 order on 03.05.2023 directing the petitioner to deposit of 40% of the dues Rs.1,19,43,886/- and quash the same and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief to this petitioner.



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For Petitioner : Mr.V.Malaiyendran

For Respondent : Mr.A.John Xavier
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for the records on the file of EPF Appellate Authority / CGIT vide reference EPFA No.128/2022 order on 03.05.2023 directing the petitioner to deposit of 40% of the dues Rs.1,19,43,886/- and quash the same and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief to this petitioner.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a man power supplying agency rendering services for cleaning and sanitation work for the Dindigul Municipality and the said agency is covered under Employees' Provident Fund and Miscellaneous Provisions Act, 1952. The claim of the respondents for statutory contributions towards



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EPF was not paid regularly. As a result of which, a total amount of Rs. 1,19,43,886/- is pending for payment as on date. As against the said claim, an appeal was admitted before the Central Government Industrial Tribunal-cum-Labour Court, Chennai on 03.05.2023 on condition that 40% of the dues of the total Rs.1,19,43,886 /- has to be paid before the respondent within a period of three months on or before 03.08.2023. Due to the difficult financial condition of the petitioner, so far, the said agency is able to pay Rs.14,88,979/-. Of the ear marked 40%, there is a pendency of Rs.32,88,576/-.

4. When the case came up for admission, the petitioner submitted that he may be permitted to pay the remaining amount within a period of eight weeks for which, the learned Standing Counsel is also amenable. In view of the same, this Court hereby dispose this writ petition by directing the petitioner to pay the remaining Rs.32,88,576/- of the total dues, Rs.1,19,43,886/- within a period of ten (10) weeks from the date of receipt of a copy of this order. In case of default to make the payment, the respondent is at liberty to proceed as against the petitioner in accordance with law.



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5. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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

To

The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office,
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Chokkikulam, Madurai-625 002.



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L.VICTORIA GOWRI, J.

BTR

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