



W.P.(MD)No.29146 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29146 of 2022
W.M.P(MD).No.23098 of 2022

M/s.Anna Co-operative Spinning Mills Limited
Andipatti-626 512,
Theni District,
Rep.by its
Managing Director

... Petitioner

Vs.

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

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the order of the Central Government Industrial Tribunal cum Labour Court, Chennai passed in EPFA.No.133/2022 dated 24.11.2022 insofar as directing to deposit a sum of Rs.3,00,000/- is concerned and quash the same.

For Petitioner

: Mr.M.Elanchezhian

For Respondent

: Mr.K.Murali Shankar



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ORDER

This Writ Petition has been filed to call for the records of the order of the Central Government Industrial Tribunal cum Labour Court, Chennai passed in EPFA.No.133/2022 dated 24.11.2022 insofar as directing the petitioner to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) is concerned and quash the same.

2. The case of the petitioner is that the petitioner is one of the Co-operative Spinning Mills and is under the control of the Commissioner of Textiles, Government of Tamil Nadu. Due to unprecedented crisis and depressed conditions prevailing in the cotton textile industry and the yarn market, the financial position of the petitioner has become precarious and the accumulated loss as on 2002-2003 was about Rs.650 lakhs. The petitioner Mill has to face the worst financial crisis. However, the petitioner Mill had taken efforts to remit the EPF contributions with interest to the respondent. While so, the respondent has demanded a sum of Rs.30,37,680/- (Rupees Thirty Lakhs Thirty Seven Thousand Six



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Hundred and Eighty only) as damages. After verification of remittances and personal hearing, the respondent had passed an order by reducing the claim of damages to Rs.12,98,460/- (Rupees Twelve Lakhs Ninety Eight Thousand Four Hundred and Sixty only) by order dated 02.01.2006 for the period from 03/1997 to 02/2003. Against the order of the respondent, the petitioner has filed a writ petition in W.P(MD).No.1170 of 2006 before this Court on the ground that no Tribunal was functioning and the petitioner was unable to file an appeal against the order of the Original Authority. This Court granted an order of stay on condition to deposit 50% of the disputed amount. Accordingly, the said amount was deposited before the respondent and the writ petition was disposed of on 10.01.2007 by this Court by issuing a direction to the petitioner to file an appeal before the Employees Provident Fund Appellate Tribunal. Thereafter, the petitioner has filed an appeal before the Employees Provident Fund Appellate Tribunal, New Delhi in A.T.A.No. 480(13)/2010 challenging the order passed by the respondent on 02.01.2006. However, the same was dismissed by the Tribunal. Aggrieved by the same, the petitioner has filed a writ petition before this



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Court in W.P(MD).No.2703 of 2010 and this Court also dismissed the same on 06.09.2011. Thereafter, the petitioner has filed a writ appeal in W.A(MD).No.1169 of 2011 and the Hon'ble Division Bench of this Court allowed the same on 15.10.2020 by setting aside the order of the respondent and remitted the matter back to the respondent to pass orders on merits within a period of three months from the date of receipt of a copy of this order. However, contrary to the directions issued by this Court, the respondent has passed an order on 19.07.2022 confirming his earlier order. Aggrieved over the same, the petitioner has filed a Statutory appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai in E.P.F.A.No.133 of 2022. However, the Tribunal while granting stay failed to take note of the fact that the petitioner has already deposited 50% of the demand amount, but directed the petitioner to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) within a period of one month i.e., on or before 26.12.2022 by way of the impugned order. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that the total amount of the damages claimed by the respondent is Rs.12,98,460/- (Rupees Twelve Lakhs Ninety Eight Thousand Four Hundred and Sixty only), out of which, the petitioner has deposited a sum of Rs.6,49,225/- (Rupees Six Lakhs Fourty Nine Thousand Two Hundred and Twenty Five only). However, the Tribunal has passed the impugned order directing the petitioner to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) within a period of one month i.e., on or before 26.12.2022 without considering the earlier deposit made by the petitioner. Hence, this Court may permit the petitioner to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the respondent within a period of four weeks from the date of receipt of a copy of this order and on production of the receipt, the Tribunal may decide the appeal.

4. The learned counsel appearing for the respondent would submit that he has no serious objection if the petitioner deposits a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) within a period of



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four weeks.

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5. Considering the limited request made by the learned counsel appearing for the petitioner and the fact that the petitioner himself has come forward to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the respondent, this Court is inclined to modify the impugned order and further, this Court directs the petitioner to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the respondent within a period of four weeks from the date of receipt of a copy of this order and on production of the receipt payment made by the petitioner, the Tribunal is directed to hear the petitioner and pass appropriate orders on the appeal filed by the petitioner on merits and in accordance with law within a period of six weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

02.01.2023

ssb
NCC:Yes/No

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Index: Yes/No
Internet: Yes/No

To
The Regional Provident Fund Commissioner-I,
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M.DHANDAPANI,J.

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