



W.P.No.697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.697 of 2024

and

WMP.Nos.717 & 4704 of 2024

M/s.Babitha Conveyance Solutions Pvt. Ltd.,
Plot 5, Flat S1, 12th Cross Road,
Srinivasa Nagar,
Madipakkam,
Chennai – 600 091,
Rep. by its Authorised Signatory.

... Petitioner

Vs.

The Regional Provident Fund Commissioner – II,
Regional Office,
Employees Provident Fund Organisation,
3, Rajaji Salai, Tambaram,
Chennai – 600 045.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondent from proceeding any further in terms of the order Under Section 7A EPF Act dated 22.12.2023 in proceedings No.TB/TAM/RO/ENF/DIV-514/7A/62895/DIARY No.205 of



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2020/2023 pending disposal of the appeal to be filed by the petitioner before the Central Government Industrial Tribunal cum, Labour Court, Chennai is taken up for admission.

For Petitioner : Mr.G.Anand Gopalan for Agam Legal

For Respondent : Mr.R.Thirunavukarasu
Standing Counsel for EPFO

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ORDER

This petition is filed to forbear the respondent from proceeding any further in terms of the order Under Section 7A EPF Act dated 22.12.2023 in proceedings No.TB/TAM/RO/ENF/DIV-514/7A/62895/DIARY No.205 of 2020/2023 pending disposal of the appeal to be filed by the petitioner before the Central Government Industrial Tribunal cum, Labour Court, Chennai is taken up for admission.

2.By consent of both the parties the writ petition is taken up for hearing at the admission stage itself and disposed of by the order of this Court.



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3.The learned counsel for the petitioner submits that on 11.01.2024, this Court passed a conditional order of stay directing the petitioner to deposit a sum of Rs.20,00,000/- (Rupees twenty lakhs only) in two installments, within the time stipulated therein. The learned counsel further submits that the petitioner had to directly approach this Court because there was no Presiding Officer for the Tribunal. But now an appeal has been preferred before the Central Government Industrial Tribunal, Chennai and the matters are likely to be taken up for hearing next month. The learned counsel further submits that due to financial constraints the petitioner is not able to comply with the conditional order dated 11.01.2024 passed by this Court and hence he has filed a modification petition. The learned counsel for the petitioner prays this Court to permit the petitioner to pay a sum of Rs,5,00,000/-, within the time to be stipulated by this Court till the stay application in the appeal of the petitioner is taken up by the Appellate Tribunal.

4.The learned Senior Counsel appearing for the respondent submits that the petitioner has not complied with the conditional order and no indulgence should be shown to the petitioner.



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5.1 have heard both the learned counsels and I have perused the materials on record.

6.The petitioner has filed the modification petition on 19.02.2024 praying to modify the amount stated in the conditional order in the light of the averments made by the petitioner in the modification affidavit. It is seen from the affidavit filed in support of the modification petition that the petitioner is reeling under severe financial crisis and hence he is unable to comply with the conditional order dated 11.01.2024 of this Court. In view of the fact that an appeal has been filed before the Central Government Industrial Tribunal and it is likely to be taken up for hearing by next month, I am of the considered opinion that to meet the ends of justice the earlier order dated 11.01.2024 can be modified. The petitioner is therefore directed to deposit a sum of Rs.5,00,000/- (Rupees five lakh only) by way of demand draft to the respondent on or before 08.04.2024. Meanwhile, the respondent shall not take any coercive action against the petitioner till the stay application in the appeal of the petitioner is taken up for hearing by the Central Government Industrial Tribunal.



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7. Accordingly, this Writ Petition is disposed of with a direction to the petitioner to deposit a sum of Rs.5,00,000/- on or before 08.04.2024. Meanwhile the respondent shall not take any coercive action till the stay application in the appeal of the petitioner is taken up for hearing. It is needless to say that the Central Government Industrial Tribunal shall consider the stay application on merits and in accordance with law. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions stand closed.

19.03.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
ah

NOTE: ISSUE ORDER COPY ON 25.03.2024.

To

The Regional Provident Fund Commissioner – II,
Regional Office,
Employees Provident Fund Organisation,
3, Rajaji Salai, Tambaram,
Chennai – 600 045.



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N.MALA, J.

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