



WEB COPY



W.P.No.3480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.3480 of 2024 and
W.M.P.No.3737 of 2024

M/s.ZF Commercial Vehicle Control Systems India Limited
Plot No 3 (SP), Third Main Road, Ambattur Industrial Estate
Chennai – 600 058.

Rep by its Managing Director

...Petitioner

Vs.

1. The Regional Provident Fund Commissioner – II
Employees Provident Fund Organisation
R-40, A-1, TNHB Shopping – cum – office complex
Mugappair Road, Mugappair East,
Chennai – 600 037

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the Respondent in its proceedings bearing No.TN/RO/AMB/Comp-Exem/Surrender/66827/2023 dated 26.12.2023.

For Petitioner : Mr.A.Anand Gopalan

For Respondent : Mrs.R.Hemalatha

ORDER



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The Writ petition is filed for a Writ of Certiorarified Mandamus, calling for records of the Respondent in its proceedings bearing No.TN/RO/AMB/Comp-Exem/Surrender/66827/2023 dated 26.12.2023.

2. The learned counsel for the respondent has produced the Instruction note dated 22.02.2024 wherein it is stated as follows:

“Hence, it is reiterated that the letter dated 26.12.2023 is not a final order issued by the authority. The petitioner in the W.P.No.3480 of 2024 mentioned that the respondent in its proceedings bearing TN/RO/AMB/Comp-Exem/Surrender/66827/2023 dated 26.12.2023, which is a false statement, as no inquiry has been initiated against the establishment, employer, or trustees under the EPF & MP Act, 1952. Moreover, where an inquiry is conducted under Section 7A(1) of the Act, the employer will be given the opportunity to put forth his arguments, and the principle of natural justice will follow the employer.”

“As of now, the above mentioned two categories of amount to be received from the establishment amounting to a total of Rs.6,71,63,062/- have been identified. Only when the establishment provides the inconsistencies listed in this note's point 'a' may the sum be determined in its entirety by the competent authority by invoking inquiry under Section 7A of the Act”

3. In view of the above categorical statement of the respondents that the impugned letter is not a final order and opportunity will be given to the employer by following the Principles of natural justice, when the enquiry is conducted under section 7A(1) of the above Act, I am of the view that the



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apprehension of the writ petitioner that coercive steps would be taken in pursuance of the impugned order is unfounded. Hence, the writ petition is disposed of recording the aforesaid statement of the first respondent in the instruction note dated 22.02.2024. Consequently, connected miscellaneous petition is closed.

21.02.2024

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

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N.MALA,J.



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