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W.P.No.7341 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.7341 of 2020

and

W.M.P.No.8775 of 2020

PNR Spinning Mills (P) Ltd.,
Rep. By its Managing Director,
Mr.P.Natarajan,
No.6, Sakthi Co-operative Industrial Estate,
Elayamuthur Road,
Udumalpet – 642 126.

... Petitioner

Vs.

Asst. Provident Fund Commissioner,
Employees Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore – 641 018.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari Mandamus calling for records of impugned order dated 17.07.2019 passed by the Central Government Industrial Tribunal, Chennai in EPFA No.513 of 2017 to quash the same and directing the Central Government Industrial Tribunal, Chennai to accept 25% of the assessed amount as pre-deposit to admit the Appeal.

For Petitioner : Mr.P.Thangaraj

For Respondent : M/s. R.Meenakshi

ORDER



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This Writ Petition is filed seeking to issue Writ of Certiorarified Mandamus directing the 2nd Respondent to implement the order passed by the 1st Respondent in Rc.No.G2/20540/2020 dated 21.05.2024 for recovering the sum of Rs.4,60,080/- (Rupees Four Lakhs Sixty Thousand and Eighty Only) from the 4th Respondent herein along with 12% interest from the date of Respondent herein in A/12/2019 dated to call for the records relating to the order CB/RO-SLM/PDC/S-2/2410395/8F/2024 dated 07.03.2024 passed by the first respondent and to quash the same.

2. It is the submitted by the learned counsel for the petitioner that, petitioner Company was covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. It has been remitting Employees Provident contributions regularly until it closed its operations completely on 30.06.2011. There were no transactions subsequently. Petitioner Company has also sold all of its plant and machineries and other equipments. After closure of the Company, the respondent sent squad of Officers on 15.02.2012 for inspection and report was submitted to the respondent Assistant Provident Fund Commissioner on 16.03.2012 that the petitioner's establishment is still running. On receipt of the information, a detailed reply was submitted to the respondent on various dates. Finally, the Enforcement



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Officer sent a report dated 21.04.2014 and based on the said report, respondent passed final order making the petitioner liable to pay an amount of Rs.62,21,363/-. Aggrieved by the same, petitioner has preferred an appeal before the Central Government Industrial Tribunal Cum Labour Court, Chennai in EPFA No.531 of 2017. On considering the fact, the appellate authority passed an order on 17.07.2019, directing the petitioner to deposit 50% of the dues determined under Order 7A on or before 18.09.2019. Aggrieved by the said order, present Writ Petition is filed seeking to reduce the deposit the 50% of the dues to 25%.

3. It is submitted by the learned counsel for the petitioner that, petitioner's Company has sold out all the assets and it is in serious financial crisis and that he sought for modifying the order passed by the appellate authority by way of impugned order by reducing the due deposit from 50% to 25%.

4. It is submitted by the learned counsel for the respondent that, considering that the quantum of amount is huge, the appellate authority has



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rightly directed to deposit only 50% of the assessed amount and thereby submitted not to further reduce the amount further.

5. Heard both sides and perused the records. It is brought to the notice of this Court that, out of the 50% of the money ordered to be deposited as per the impugned order dated 17.07.2019, the petitioner has already deposited 25%.

6. Considering the financial incapacity of the petitioner as submitted by the learned counsel for the petitioner, this Court inclined to reduce the due deposit from 50% to 30% as stated in the impugned order dated 17.07.2019. Since the petitioner has already deposited 25%, he is directed to deposit the balance 5% within a period of four weeks from the date of receipt of copy of the order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2024



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Index: Yes/No

Speaking Order: Yes/No

To

1. Asst. Provident Fund Commissioner,
Employees Provident Fund Organisation,
Dr.Balasundaram Road,
Coimbatore – 641 018.

2. Central Government Industrial Tribunal,
Chennai

Dr.D. NAGARJUN, J.

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