



WEB COPY



W.P.No.8042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.8042 of 2024 and
W.M.P.No.9008 of 2024

M/s. Srinivasan Associates (P) Ltd
Rep by its Deputy General Manager
14/2, Avinashi Road, Peelamedu,
Coimbatore – 641 004.

...Petitioner

Vs.

1. Account Officer (Compliance)
Regional P.F. Commissioner – I,
Employees' Provident Fund Organisation
Ministry of Labour & Employment Govt of India,
Regional Office, Bhavishya Nidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore – 641 018.

2. Regional P.F. Commissioner – I,
Employees' Provident Fund Organisation
Ministry of Labour & Employment Govt of India,
Regional Office, Bhavishya Nidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore – 641 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st and 2nd respondent from initiating recovery proceedings against the petitioner in terms of the order of



W.P.No.8042 of 2024

the 2nd respondent dated 31.08.2023 in proceedings No.TN/RO/CBE/45310/Compliance/CC-16/7A/2023-24 and consequential review order dated 24.01.2024 in proceedings no.TN/RO/CBE/45310/Compliance/CC-16/7B/2023-24 till the appeal filed by the petitioner is taken up for hearing before the Central Government Industrial Tribunal, Chennai.

For Petitioner : Mr. S.Ravichandran
Senior Counsel

For Respondents : Mr.P.K.Paneerselvam
Standing Counsel

ORDER

The Writ petition is filed for a writ of mandamus forbearing the 1st and 2nd respondent from initiating recovery proceedings against the petitioner in terms of the order of the 2nd respondent dated 31.08.2023 in proceedings No. TN/RO/CBE/45310/Compliance/CC-16/7A/2023-24 and consequential review order dated 24.01.2024 in proceedings No.TN/RO/CBE /45310/Compliance /CC-16/7B/2023-24 till the appeal filed by the petitioner is taken up for hearing before the Central Government Industrial Tribunal, Chennai.

2. Challenge in the writ petition is made against order dated 31.08.2023 of the second Respondent and the consequential review order dated



W.P.No.8042 of 2024

24.01.2024. The second respondent vide award dated 31.08.2023 determined the contribution of the petitioner under E.P.F Act for the sum of Rs.41,99,410/- (Rupees Forty one lakhs ninety nine thousand four hundred and ten only) for the period April 2012 to November 2015. The petitioner filed a review petition and the review petition was dismissed on 24.01.2024 by the second Respondent. Challenging both the aforesaid orders, the petitioner filed an appeal before the Central Government Industrial Tribunal-cum-Labour Courts (C.G.I.T), Chennai on 26.02.2024 and the same is pending. While so, through notice dated 18.03.2024, the first Respondent has directed the petitioner to provide the Appeal No allotted by the C.G.I.T along with the copy of the order of the Presiding Officer admitting the said appeal.

3. The petitioner apprehends that the respondent may initiate recovery proceedings against the petitioner pending appeal before the C.G.I.T. The learned Counsel submits that the first respondent is very well aware that the post of the Presiding Officer is vacant and therefore the petitioner is not in a position to obtain orders in the appeal. In spite of knowing the same, the first Respondent has sent an interim notice on 18.03.2024 to produce order of the Presiding Officer admitting the appeal.



W.P.No.8042 of 2024

4. In my view, the apprehension of the petitioner is justified. The first Respondent is well aware that the post of the Presiding Officer C.G.I.T is vacant, therefore, the delay in prosecuting the appeal. In view of the above, the the Respondents are directed not to take any coercive steps to recover the amount determined under 7A of the Act till the matter is taken up for hearing by the C.G.I.T. Chennai.

5. The Writ petition is accordingly allowed and the direction is issued to the first and Second respondents not to initiate recovery proceedings in terms of the order dated 31.08.2023 and the order in review dated 24.01.2024, till the matter is taken up C.G.I.T Chennai. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

25.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.8042 of 2024

N.MALA,J.

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W.P.No.8042 of 2024 and
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