



WEB COPY



W.P.No.11156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

**W.P.No.11156 of 2024**

Hada

M/s. Neel Metal Fenalca Environment,  
Management Private Ltd.,  
No.601 Hemkunt Chambers,  
89, Nehrupalace, New Dfelhi 110010.

... Petitioner

Vs.

Employees Provident Fund,  
Commissioner – II & R.E.P.F.,  
Organization – 37,  
Royapettah, Chennai – 600 014.

...Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondent here in to consider petitioner representation dated 26.05.2022 to pay the balance due and settled the matter and withdraw in EPFA.

For petitioner : Mr.G.A.Dominic Savio Joseph

For respondent : Mr.K.Venkatesan  
Central Government Standing Counsel  
for Provident Fund



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## **ORDER**

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This writ petition is filed seeking for a direction to the respondent to consider the petitioner's representation dated 26.05.2022 to pay the provident fund balance of dues.

2. The petitioner company entered a concession agreement with the Greater Corporation Chennai to clear the garbage in day to day basis for which the petitioner Corporation has appointed staff and other workers on temporary basis for a period of 7 years. The said agreement was closed in the year 2011/2012.

3. While so, proceedings under Section 7 A and EPF and M.P Act, 1942 were issued by order dated 21.05.2013 for the period 10.2007 to 12.2011 demanding the petitioner company to pay Rs.1,35,31,240/- and the same was challenged by the petitioner company before the EPF appellate Tribunal. A stay was granted by order dated 20.11.2013 and the appellate Tribunal directed the petitioner to deposit 25% of 33,82,810/-. The said order was complied with the petitioner management.



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4. It is submitted by the learned counsel for the petitioner that the workers employed with the petitioner company were only on contract basis and thereby, Section 2 B of EPF Act, 1952 cannot be invokes and 7 A proceedings will not be applicable to the petitioner company. Further, the petitioner counsel submitted that a representation dated 28.03.2022 was submitted to the respondent but there was no response and that an application to permit the petitioner to compromise with the respondent was filed before the EPF appellate Tribunal Chennai in August 2022 which is still pending. The petitioner company sent a representation dated 26.05.2022 to the respondents for recalculation. However, there was no response hence, the present writ petition is filed.

5. When the matter was taken up today for hearing, the learned counsel for the respondent requested for a short time to get instructions from the respondent and submitted later that the petitioner's representation dated 26.05.2022 will be considered and disposed of shortly.

**Dr.D.NAGARJUN,J.**



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6. Considering the submissions made by both sides, without going into the merits of the issues raised by both sides, since the relief sought for by the petitioner is only a mandamus seeking for a direction to consider his representation, this writ petition is disposed of directing the respondent to consider the petitioner's representation dated 26.05.2022 by following due process of law as quickly as possible not later than four weeks from the date of receipt of a copy of this order. No costs.

**23.04.2024**

**vca**

Internet : Yes/No  
Index : Yes/No  
Citation : Yes/No

To,  
Employees Provident Fund,  
Commissioner – II & R.E.P.F.,  
Organization – 37,  
Royapettah, Chennai – 600 014.

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