



WEB COPY



W.P.No.21607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM :

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.No.21607 of 2024

and

W.M.P.No.23576 of 2024

M/s.Midas Golden Distilleries Pvt.Ltd.,
Rep by its Managing Director,
T.K.Kumaran

... Petitioner

Vs.

The Recovery Officer,
Regional Provident Fund Commissioner – II,
Employees Provident Fund Organization,
Ministry of Labour, Government of India,
Regional Office: Tambaram,
No.3, Rajaji Salai,
Chennai – 600 045.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for records pertaining to the attachment notice in No.TB/TAM/RECY/524/TBTAM0060460000/CPI/2024-25 dated 07.05.2024 is passed by the respondent and to quash the same.



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For Petitioner : Mr.R.Ganesan

For Respondent : MR.Thirunavukarasu
Standing Counsel

ORDER

Mr.R.Thirunavukarasu, learned Standing Counsel takes notice for the respondent.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent and perused the materials available on record.

3. This is a petition filed by the petitioner seeking to quash the attachment notice issued by the respondent dated 07.05.2024.

4. It is submitted by the learned counsel for the petitioner that the petitioner company is dealing with distilling and packaging of Indian made – Foreign Liquor (IMFL) and that the respondent has initiated proceedings as against the petitioner's company under Sections 6, 6A and 6C of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act) in Diary No.118/2019 on 17.08.2021. It is further submitted that on account of an

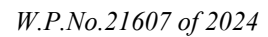


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error in the calculation the respondent has issued the impugned notice dated 07.05.2024 directing the petitioner to pay an amount of Rs.39,14,750/- in total under Sections 14B and 7Q of the Act.

5. As the petitioner could not pay the said sum of Rs.39,14,750/- the respondent has attached the bank account of the petitioner in the Canara Bank, Teynampet Branch. It is submitted by the learned counsel for the petitioner that the petitioner has paid an amount of Rs.5,86,732/- on 25.07.2024 by way of demand draft and on which the respondent has relaxed the attachment in so far as the said amount is concerned. It is further submitted that on account of the attachment of the petitioner's bank account, all financial transactions of the petitioner's company had come to a stand still and therefore, sought for intervention and prayed to grant interim orders.

6. Per contra, the learned Standing Counsel for the respondent submitted that aggrieved by the order dated 15.6.2023 in Diary No.333/2023 in Ref.No. TB/RO/TAM/60460/PDC/14B/524/2023 passed by the respondent whereby a sum of Rs.33,28,518/- was demanded, the petitioner approached the Central Government Industrial Tribunal-cum-Labour Court, Chennai (for short, the Tribunal) by filing an appeal along with a stay petition. Further, the Tribunal,



9. Accordingly, the writ petition stands disposed of with a direction to the petitioner to deposit the entire demand namely Rs.39,14,750/- with respondent in three equated monthly installments. The first installment of



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which falls on 09.08.2024 and the rest of the two installments shall be deposited with the respondent on 9th of a successive months. If the petitioner fails to comply with the said condition for any one of the installments, the respondent is at liberty to enforce the impugned order dated 07.05.2024 without any further notice. On deposit of first installment on or before 09.08.2024, the attachment effected in pursuance of the impugned order, shall stand vacated. No costs. Consequently, the connected WMP is closed.

01.08.2024

Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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Note: Issue Order Copy on 02.08.2024

To

The Recovery Officer,
Regional Provident Fund Commissioner – II,
Employees Provident Fund Organization,



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Ministry of Labour, Government of India,
Regional Office: Tambaram,
No.3, Rajaji Salai, Chennai – 45.



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DR.D.NAGARJUN, J.
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