



W.P.No.20796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM :

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

W.P.No.20796 of 2024

M/s.Kite Logistics Kochi,
Block V/54 East, Krishnammal Complex, opp.Gate No.4,
Kamarajh Road, Kovaipudur Coimbatore – 641 042.
Through its Proprietor Sunil Karat. ...Petitioner

Vs.

1. Employees Provident Fund organization (EPFO)
14, Bhavishya Nidhi Bhawan, Bhikaji Cama Place,
Rama Krishna Puram,
New Delhi – 110 066.
2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhawan
Dr.Balasundaram Road, Coimbatore,
Tamil Nadu – 641 018.
3. The Regional Provident Fund Commissioner – II,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhawan
Dr.Balasundaram Road, Coimbatore,
Tamil Nadu – 641 018.

4. The Enforcement Officer,



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Officer of the Area Enforcement Officer,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhawan
Dr.Balasundaram Road, Coimbatore,
Tamil Nadu – 641 018.

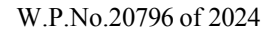
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records leading to the notice of demand to the petitioner bearing No.TN/RO/CBE/RECOVERY/2455475/CC-11/2024-2025 dated 03.07.2024 on the files of the second respondent and quash the same and direct the respondent No.3 to consider the review petition dated 26.12.2023 .

For petitioner : Mr.Anandhu Satheesh
For respondents : Mr.R.Vishnu

ORDER

This writ petition is filed to quash the notice of demand bearing No.TN/RO/CBE/RECOVERY/2455475/CC-11/2024-2025 dated 03.07.2024 on the file of the second respondent and and direct the third respondent to consider the review petition dated 26.12.2023 .



2. Heard learned counsel for the petitioner. Mr.R.Vishnu has

3. It is submitted by the learned counsel for the petitioner that



4. It is submitted by the learned counsel for the petitioner that despite pending of the review application, the second respondent has issued demand notice on 03.07.2024 for Rs.9,49,404/-. It is submitted by the learned counsel for the petitioner that the petitioner has been disputing the said amount for which the review petition has been filed.

5. The learned counsel for the respondent has submitted that the order passed to pay in all an amount of Rs.14,00,280/- is proper and there are no merits in the review petition and hence, prayed for dismissal of the writ petition.

6. Considering the submissions made by both sides and on perusal of the records, this Court is of the opinion that since the petitioner is disputing an amount of Rs.9,49,404/- and has filed review petition, pending the review application the respondent should not have issued impugned notice dated 03.07.2024 directing the petitioner to pay an amount of Rs.9,49,404/-. There are no reasons why the review application has not been considered so far, prior to issuance of impugned notice.

7. In view of the above, this writ petition is disposed of directing



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the respondent authority to dispose of the review petition dated 26.12.2023 as quickly as possible, on hearing both sides and until the disposal of the writ petition, the respondent cannot direct the petitioner to pay an amount of Rs.9,49,404/- thereby, the impugned notice dated 03.07.2024 in No.TN/RO/CBE/RECOVERY/2455475/CC-11/2024-2025 issued by the second respondent to pay an amount of Rs.9,49,404/- is hereby stayed until the disposal of the review application.

8. Accordingly, this writ petition is disposed of with the above directions. Connected W.M.P is closed. No costs.

26.07.2024

vca

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

Dr.D.NAGARJUN,J



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