



WEB COPY



W.P.No. 32972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 32972 of 2024
and
W.M.P.Nos.35770 & 35771 of 2024

M/s. RED SUN TRAVELS,
Represented by its Proprietor R.Jothi,
No.244, Velachery Main Road,
Kannigapuram, Guindy,
Chennai - 600 032.

... Petitioner

Vs.

1. Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
Regional Office, Tambaram,
Rajaji Salai, Chennai - 600 045.
2. The Recovery Officer,
Employees Provident Fund Organisation,
Regional Office, Tambaram,
Rajaji Salai, Chennai - 600 045.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the first Respondent to quash the order No. TB/TAM/RO/ENF/DIV-514/7A/1815696/DIARY No.



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3057 of 2019/2023 dated 25.01.2024 passed U/s 7A of the EPF & MP Act, 1952 for Rs.28,21,623/- (Twenty-eight Lakh and twenty one thousand six hundred and twenty three only) for the period from 04/2014 to 09/2023.

For Petitioner : Mr.G.Babu Rajendran

For Respondents : Mrs. Revathi Manivannan

ORDER

The writ petition is filed challenging the order dated 25.01.2024 passed under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. By the said order, a liability of Rs.28,21,623/- is fixed as against the petitioner company.

2. The case of the petitioner company is that on majority of the occasions, the petitioner company only hired cabs and thus the cab drivers were not even its employees, and the same is erroneously taken into account by the respondent provident fund organisation.



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3. Be that as it may, the order under Section 7A was passed on 25.01.2024 and was served on the petitioner company. The petitioner company has a remedy to approach the Appellate Court under Section 7-I of the Act within a period of 60 days and the Appellate Court can also condone another 60 days of delay. On the question whether a writ under Article 226 can be entertained after the expiry of the statutory appeal period, the supreme Court in ***CCT v. Glaxo Smith Kline Consumer Health Care Ltd., (2020) 19 SCC 681***, held that a High Court cannot disregard the statutory limitation period to entertain writ petition assailing orders passed by statutory authorities which were not appealed against before the expiry of the maximum limitation period. Thus, the Court cannot pass orders to the Tribunal to condone the petitioner's extra delay, especially since the party has lost a rights by virtue of lapse of limitation.

4. Further as held in ***Oil and Natural Gas Corporation Limited v. Gujarat Energy Transmission Corporation Limited and Ors. (2017) 5 SCC 42***, the High Court cannot disregard the statutory limitation period, which is in this case 60 days, for redressal of the grievance and entertain the writ



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petition of such a party as a matter of course. Therefore, I am unable to come to the rescue of the petitioner.

5. Accordingly, finding no merits, this writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

25.11.2024

Neutral Citation: Yes/No
nsl

To

1. Regional Provident Fund Commissioner-I,
Employees Provident Fund Organisation,
Regional Office, Tambaram,
Rajaji Salai, Chennai - 600 045.
2. The Recovery Officer,
Employees Provident Fund Organisation,
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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