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W.P. No.32231 of 2024 and W.M.P. Nos.35010 & 35011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.32231 of 2024 and W.M.P. Nos.35010 & 35011 of 2024

M/s.Orion Water Treatment Pvt. Ltd.,
represented by its Managing Director M.Bhaskaran ... Petitioner

Vs.

- 1.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Ambattur, Chennai - 600 037.
- 2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Ambattur, Division-5,
Thiruvallur District.
- 3.The Enforcement Officer,
Employees Provident Fund Organisation,
Ambattur, Division-5,
Thiruvallur District.
- 4.The Recovery Officer,
Regional PF Commissioner-II,
Ambattur, Division-5,
Thiruvallur District.
- 5.The Branch Manager, Axis Bank,
Sriperumbatur. ... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 09.08.2021 vide TN/RO/AMB/CC-1/68657 and Diary No.1115/2019 passed by the second respondent herein and the consequential prohibitory order dated 24.09.2024 vide TN/RO/AMB/RECOVERY/68657/RRC-9618/20234 passed by the fourth respondent herein and to quash the same and consequently direct the Regional Provident Fund Commissioner, Ambattur, the first respondent herein to remit/pay the sum of Rs.13,00,000/- to the petitioner's SB Account No.919010045884733, Axis Bank, Sriperumbudur Branch, Kancheepuram District which sum was adjusted towards the impugned order.

For Petitioner : Mr.S.Ruban Prabu

For Respondents : Mr.Arun Dhanapalan,
Standing Counsel for EPFO
for R1 to 4

ORDER

This writ petition has been filed, challenging the impugned order dated 09.08.2021 vide TN/RO/AMB/CC-1/68657, determining EPF dues payable by the petitioner's company and subsequent prohibitory order dated 24.09.2024 vide TN/RO/AMB/RECOVERY/68657/RRC-9618/20234 issued by the fourth respondent, directing the bank to deduct a sum



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of Rs.67,59,280/- and remit the same in favour of the first respondent organisation.

2.The learned counsel for the petitioner submitted that a notice has been issued under Section 7-A3 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, determining EPF dues payable by the petitioner company and even before issuing the prohibitory order for the amount determined, the petitioner's company's immovable assets have been attached through an order of attachment of the fourth respondent dated 21.03.2022.

3.The contention of the petitioner is that without initiating any recovery proceedings, the order of attachment has been passed against the immovable property of the petitioner. The fourth respondent has chosen to advise the fifth respondent to remit an amount of Rs.67,59,280/- in favour of the first respondent, which is illegal. The prohibitory order has made an explicit reference only to prohibit the account of the petitioner's company and it does not make any reference about the individual. The very



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contention of the petitioner is that on the pretext of prohibitory order dated 24.09.2024, the fifth respondent bank has disbursed the amount lying in the personal account of the Managing Director. But the petitioner has not produced any piece of evidence to show that his personal account is being disturbed in violation of Section 8G of the Act. Even the petitioner has not filed this writ petition in his personal capacity and the Managing Director has filed this writ petition on the basis of the allegation that the amount lying in his personal account has frozen or is being transferred by the fifth respondent to the first respondent/organisation. The petitioner cannot make an extraneous statement without any material. So the petitioner cannot be liable to stop the recovery proceedings or the prohibitory order.

4.However, the petitioner's representation given to the respondents shall be considered in case the personal account of the Managing Director M.Bhaskaran is frozen, pursuant to the prohibitory order dated 24.09.2024 and the respondents shall pass orders, on merits and in accordance with law.



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5. With the above observation and direction, this writ petition stands

disposed of. No costs. Consequently, connected W.M.Ps are closed.

30.10.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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