



WEB COPY



WP(MD) Nos.1882 of 2021 and 8818 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)Nos.1882 of 2021 and 8818 of 2022

and

W.M.P.(MD)No.1623 & 1624 of 2021 and 6418 of 2022

M/s.Sri Ganapathy Mills Company Limited,
Represented by its The Managing Director,
K.Vee Rajendran.

... Petitioner in
both W.Ps.

Vs.

- 1.The Secretary,
Department of Ministry of Labour
and Employment, New Delhi.
- 2.The Central Board,
EPFO Head Office,
Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place, New Delhi- 110 066.
- 3.The Commissioner,
Employment Provident Fund Orgaization,
Madurai Region, Madurai.

... Respondents 1 to 3
in both W.Ps.



WP(MD) Nos.1882 of 2021 and 8818 of 2022

4. The Assistant Commissioner,
Employment Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhavan,
NGO, B Colony, Tirunelveli- 627007.

... 4th respondent in
W.P.(MD)No.1882/2021

4. The Employment Provident Fund Organization,
Represented through its Recovery Officer,
Regional Office, Bhavishya Nidhi Bhavan,
NGO, B Colony, Tirunelveli- 627007.

... 4th respondent in
W.P.(MD)No.1882/2021

5. The Manager,
Karur Vysya Bank,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER IN W.P.(MD)NO.1882/2021: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to call for the records of the 4th respondent's impugned order in No. CBE/TNY/PDC-1(1)/273/2020 dated 05.03.2020 directing the 5th respondent to sent the amount from the account of the petitioner's company to the 2nd respondent and not to permit any other transactions till the dues were settled, issued U/s -8F of the Employees provident Funds and Miscellaneous Provisions Act, 1952 within the time stipulated by this Court.

PRAYER IN W.P.(MD)NO.8818/2022: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondents Impugned Order in No.LC-12011(19)/1/2021 - LEGAL dated 02.12.2021 prepared under



WP(MD) Nos.1882 of 2021 and 8818 of 2022

Section 14B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and consequential order of the 4th respondent in No.CB/TNY/0000273/Recy-TNY/2021 dated 09.12.2021 and quash the same as devoid of merits and consequentially waive the entire claim of damages, interest and penalty by considering the ground reality of the petitioner's industry, within the time stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
(In both W.Ps)
For Respondents : Mr.V.S.Karthi,
(In both W.Ps.) Central Govt. Standing
Counsel for R1 & R2
Mr.K.Muralishankar for R3 & R4
Mr.Madhan Alexander for R5
in W.P.(MD)No.1882 of 2021
Mr.S.Vinayak for R5
in W.P.(MD)No.8818 of 2022

COMMON ORDER

These Writ Petitions are filed by M/s.Sri Ganapathy Mills Company Limited, Represented by its Managing Director. K.Vee.Rajendran.

2. From the perusal of the material on record and also as contended by the learned counsel for the petitioner, the petitioner company is already



WP(MD) Nos.1882 of 2021 and 8818 of 2022

under liquidation and Liquidator was already appointed. The same is also evident from the order passed by a learned Division Bench of this Court dated 12.06.2018 in O.S.A.Nos.117 to 120 of 2014. If that be the case, if at all the petitioner is aggrieved, it is for the Official Liquidator to take appropriate steps. The deponent of the affidavit filed in support of these two writ petitions ie., the one K.Vee.Rajendran, claiming to be the Managing Director of the petitioner company does not have any locus to represent the petitioner company.

3. Hence, both the Writ Petitions cannot be entertained in the present forum and accordingly, they are dismissed leaving it open to the Official Liquidator to take appropriate steps, if so advised. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.03.2024

NCC : Yes/No
Index : Yes/No

vsm



WP(MD) Nos.1882 of 2021 and 8818 of 2022

WEB COPY

To

1. The Secretary,
Department of Ministry of Labour
and Employment, New Delhi.
 2. The Central Board,
EPFO Head Office,
Employment Provident Fund Organization,
Bhavishya Nidhi Bhawan,
14, Bhikaiji Cama Place, New Delhi- 110 066.
 3. The Commissioner,
Employment Provident Fund Orgaization,
Madurai Region, Madurai.
 4. The Assistant Commissioner,
Employment Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhavan,
NGO, B Colony, Tirunelveli- 627007.
 4. The Recovery Officer,
The Employment Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhavan,
NGO, B Colony, Tirunelveli- 627007.
 5. The Manager,
Karur Vysya Bank,
Palayamkottai,
Tirunelveli.
- ... Respondents



WEB COPY



WP(MD) Nos.1882 of 2021 and 8818 of 2022

MUMMINENI SUDHEER KUMAR, J.

vsm

W.P(MD)Nos.1882 of 2021 and 8818 of 2022

18.03.2024