



W.P(MD)No.27111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.27111 of 2024

and

W.M.P.(MD)Nos.23012, 23014 and 23015 of 2024

NN 627 Pethanenthal Primary

Agricultural Co-operative Society Ltd.,

Rep. through its Secretary,

Poovanthi, Thiruppuvanam,

Sivagangai-630 611.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner

Employees Provident Fund Organization,

Regional Office, Bhavishya Nidhi Bhavan,

Chokkikulam, Madurai-625 002.

2.The Recovery Officer,

Employees Provident Fund Organization,

Regional Office, Bhavishya Nidhi Bhavan,

Chokkikulam, Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to quash the orders passed under Section 14B of the EPF Act in No.TN/RO/MD/MDU/PDC/M-08/0037664000/14B/2024, dated 14.05.2024 and also the prohibitory order issued under Section 8F of the EPF Act in No.MD/MDU/37664/8F/PDC/808/2024, dated 09.10.2024 and also to direct the respondent to receive the order passed under Section 7Q of the EPF Act in



W.P(MD)No.27111 of 2024

No.TN/RO/MD/MDU/PDC/M-08/00037664000/7Q/2024, dated 14.05.2024
for Rs.1,86,534/- in 12 equal monthly installments.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.V.S.Karthi

ORDER

This Writ Petition is filed challenging the orders passed by the 1st respondent dated 14.05.2024 and 09.10.2024.

2.The learned counsel appearing for the petitioner would submit that the impugned order dated 14.05.2024 passed by the 1st respondent was not communicated to the petitioner. The petitioner came to know about the said order, only when the Sivagangai District Central Co-operative Bank has passed the attachment order on 09.10.2024. Immediately, he approached the 1st respondent and thereafter only, the 1st respondent sent a soft copy to the petitioner through Whatsapp Message. Thereafter, the petitioner has filed this Writ Petition.

3.He would further submit that though the attachment order was passed, the petitioner is now ready and willing to pay the interest. However, he filed this Writ Petition to contest for damage. As the period of 120 days



W.P(MD)No.27111 of 2024

provided for the purpose of filing appeal is expired, apprehending that his appeal will not be entertained, the petitioner has filed this Writ Petition. In the event if the petitioner is permitted to file an appeal, he is able to provide reason for not filing the appeal in time. Therefore, the learned counsel for the petitioner requested that in the event if the petitioner is permitted to operate his bank account only to the extent of withdrawing the interest amount of Rs.1,85,000/- (Rupees One Lakh and Eight Five Thousand Only), which will be paid to the authorities concerned towards interest.

4.The learned counsel appearing for the respondents would submit that since the petitioner is inclined to deposit the interest amount, the attachment order may be lifted only upon payment of Rs.1,85,000/-.

5.Considering the submissions made on either side, this Court is inclined to pass the following order:-

(i)The petitioner is permitted to withdraw a sum of Rs.1,85,000/- from the Sivagangai District Central Co-operative Bank and pay the same to the 1st respondent towards interest for the delay in remitting the provident fund contribution;



W.P(MD)No.27111 of 2024

(ii)On receipt of such request made by the petitioner, the

Bank concerned is directed to permit the petitioner to withdraw the said amount and upon production of a proof for remitting the said amount before the 1st respondent, the Bank is directed to permit the petitioner to operate his bank account thereafter;

(iii)The attachment order passed by the 2nd respondent is lifted subject to the above terms; and

(iv)In the event if the petitioner files an appeal, challenging the damages alone, the 1st respondent is directed to entertain the appeal without insisting upon limitation, since the petitioner has admitted the interest portion and agreed to remit the same.”

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva



W.P(MD)No.27111 of 2024

To

WEB COPY

1. The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhavan,
Chokkikulam, Madurai-625 002.
2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhavan,
Chokkikulam, Madurai-625 002.
3. The Sivagangai District Central Co-operative Bank,
No.163, Gandhi Street,
Sivagangai-630561.



WEB COPY



W.P(MD)No.27111 of 2024

KRISHNAN RAMASAMY, J

Yuva

W.P(MD)No.27111 of 2024

06.12.2024