



WEB COPY



W.P(MD)No.30179 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.30179 of 2024

and

W.M.P.(MD)No.25397 of 2024

M/s.Rafa Traders,
12B/2 Main Road,
Sadayappapuram, Tirunelveli-627601,
Rep. by its Partner

... Petitioner

Vs.

Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Bhavishya Nidhi Bhawan, NGO 'B' Colony,
Tirunelveli-627007.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the relating to the impugned order No.CB/TNY/46745/C 13/ PDC 01(2)/ 2024, dated 08.05.2024 passed by the respondent under Section 14-B of the Act demanding Rs.3,67,463/- towards damages and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.M.Mahaboob Athiff



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ORDER

Though in this Writ Petition the petitioner has challenged the demand order passed by the respondent dated 08.05.2024, today, when the matter is taken up for admission, the learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if liberty may be granted to the petitioner to file an appeal by condoning the delay, since he intends to file an appeal beyond the period of four months, which is not within the condonable period by the Tribunal.

2.He would further submit that though the impugned order has been passed on 08.05.2024, since the employees left the office without any intimation due to financial crisis, the petitioner was not in a position to file an appeal within a period of 60 days from the date of the impugned order.

3.The learned counsel appearing for the respondent would submit that in similar situation, this Court granted liberty to file appeal by condoning the delay subject to payment of 50% of the demand. In the present case, the demand is to the tune of Rs.3,67,463/-. Therefore, if the petitioner is directed to deposit 50% of the demand amount before the Tribunal, he has no objection in condoning the delay.



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4.The learned counsel for the petitioner is also agreeable for the same.

5.Considering the submissions made on either side, subject to the payment of 50% of the demand amount before the Tribunal, the petitioner is granted liberty to file an appeal within a period of four weeks from the date of receipt of a copy of this order. After the deposit is made by the petitioner, the Tribunal is directed to deposit the said amount to the respondent and entertain the appeal, in case if any appeal is filed by the petitioner within the above stipulated period without insisting limitation.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

Note: Registry is directed to return the original impugned order to the petitioner; after obtaining xerox copy of the same, enabling the petitioner to file an appeal before the Tribunal,



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KRISHNAN RAMASAMY, J

Yuva

To

Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Bhavishya Nidhi Bhawan, NGO 'B' Colony,
Tirunelveli-627007.

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