IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 545 OF 2024

Between:

M/s. Vishwa Vani, A Society registered in accordance with the Provisions of the Societies Registration Act, 1860, vide Regn. No. S 17871 of 1987, Having its Head Office situated at 1-10-28/247, Anandapuram, ECIL, Kushaiguda, Hyderabad - 82, Rep. by B.J.S. Sundariah, S/o. Late B. Adam, aged about 62 years, R/o. Hyderabad.

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Labour & Employment, New Delhi.
2. Employees Provident Fund Organization, Rep. by its Central P. F. Commissioner, Head Office, at Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.
3. Employees Provident Fund Organization, Rep. by its Regional P. F. Commissioner - I, Regional, 3- 4- 763, Barkathpura, Hyderabad- 27.
4. Employees Provident Fund Organization, Rep. by its Assistant P. F. Commissioner (PD- I), Regional Office, Hyderabad- I 3- 4- 763, Barkathpura, Hyderabad- 27.
5. The State Bank of India, Represented by its Chairman State Bank Bhavan 16th Floor, Madam Cema Road Mumbai - 400 021
6. The Branch Manager, State Bank of India, Plot No. 526, Opp. S.V. Nagar Bus Stop, Keesara Mandal, Nagaram, Hyderabad Telangana - 500083.
7. The Branch Manager, State Bank of India, Lalaguda Branch, 12-05-35/B/2, Marrideep, Tarnaka, Secunderabad- 17
8. The General Manager, State Bank of India, Station Road, New Town Branch, Mahbubnagar, Telangana- 509001

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the 4th Respondent EPF authority issued prohibitory orders vide Proceeding No. TS/RO/HYD-I/14B&7Q/21601/ENF-C-1/ T-2/2023, Dt. 20-12-2023 under section 8F of the EPF and MP Act, to the

Respondent bank 6 to 8 to seize the accounts of the petitioner society, which in turn seized bank accounts of the petitioner society i.e., 1) A/c. No. 39222297025, branch code: 2254; 2) A/c. No. 36538774228, Branch Code: 951; 3) A/c. No. 34137373146, Branch Code: 11068; 4) A/c. No. 36530037456, Branch Code: 7487; 5) A/c. No. 37908265567, Branch Code: 20362; 6) A/c. No. 10243576460, Branch Code: 7112; 7) A/c. No. 37744793341, Branch Code: 20333; 8) A/c. No. 39583105772, Branch Code: 001611; 9) A/c. No. 42505922658, Branch Code: 7112; as communicated to the petitioner by the 7th respondent bank, without affording any opportunity or notice to the petitioner and without conducting any enquiry, as being illegal, arbitrary, contrary to law, violate of principles of natural justice, violative of Articles 14 & 19 of the Constitution of India as well as provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 and set aside the same and consequently, direct the respondent Nos. 3 & 4 to forthwith direct the respondents No. 5 to 8 to raise the seizure of the said accounts of the petitioner society and any other account linked to the said PAN No. AAATV3480F.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 3 & 4 to forthwith direct the Respondents 5 to 8 to raise the seizure bank accounts of the petitioner society i.e., 1) A/c. No. 39222297025, Branch code: 2254; 2) A/c. No. 36538774228, Branch Code: 951; 3) A/c. No. 34137373146, Branch Code: 11068; 4) A/c. No. 36530037456, Branch Code: 7487; 5) A/c. No. 37908265567, Branch Code: 20362; 6) A/c. No. 10243576460, Branch Code: 7112; 7) A/c. No. 37744793341, Branch Code: 20333; 8) A/c. No. 39583105772, Branch Code: 001611; 9) A/c. No. 42505922658, Branch Code: 7112; and any other bank account linked to PAN No. AAATV3480F by suspending the operation of the proceedings of the 4th Respondent vide Proceeding No. TS/RO/HYD- I/14B & 7Q/21601/ENF-C-1/T-2/2023, Dt. 20-12-2023 under section 8F of the EPF and MP Act, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI P. VENUGOPAL, SR. COUNSEL
REPRESENTING FOR M/s. MYKALA TITUS FINNY

Counsel for the Respondent No.1: SRI G. VENKATESWARLU,
SC FOR CENTRAL GOVERNMENT

Counsel for the Respondent No.2 to 4: SRI T. SASI KUMAR

Counsel for the Respondent No.5 to 8: - - - -

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.545 OF 2024

ORDER:

Heard Mr.P.Venugopal, learned senior counsel appearing on behalf of petitioner and Mr.G.Venkateswarlu, learned Standing Counsel for Central Government, appearing on behalf of respondent No.1 and also heard Mr.T.Sasi Kumar, learned Counsel appearing on behalf of respondent Nos.2 to 4.

2. The petitioner approached the Court seeking the prayer as follows:

> "For all the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the 4th Respondent EPF authority issued prohibitory orders vide Proceeding No. TS /RO/HYD-I/14B & 70/21601 /ENF-C-1/T-2/2023 Dt:02-12-2023 under section 8F of the EPF and MP Act, to the Respondent bank 6 to 8 to seize the accounts of the petitioner society, which in turn seized bank accounts of the petitioner society i.e., 1) A/C No.39222297025, branch code: 2254; 2) A/C No.36538774228, Branch Code: 951; 3) A/C No. 34137373146, Branch Code: 11068; 4) A/C No. 36530037456, Branch Code: 7487; 5)A/C No.37908265567, Branch Code: 20362; 6)A/C No. 10243576460, Branch Code: 7112; 7)A/C No. 37744793341, Branch Code: 20333; 8)A/c No.39583105772, Branch Code 001611; 9) A/C No.42505922658, Branch Code : 7112; as communicated to the petitioner by the 7th

respondent." bank, without affording any opportunity or notice to the petitioner and without conducting any enquiry, as being illegal, arbitrary, contrary to law, violate of principles of natural justice, violative of Articles 14 & 19 of the Constitution of India as well as provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 and set aside the same and consequently, direct the respondent Nos.3 & 4 to forthwith direct the respondents No. 5 to 8 to raise the seizure of the said accounts of the petitioner society and any other account linked to the said PAN No. AAATV3480F and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. It is the specific case of the petitioner that, in compliance of the orders of this Court dated 18.08.2022 passed in WP.No.32605 of 2022 the petitioner herein had made all the payments in favour of the Regional Provident Fund Commissioner, Hyderabad, but however, the Order impugned No. TS/RO/HYD-I/14B&7Q/21601/ENF-C-1/T-2/2023, Dated 20.12.2023 had been passed calling upon the petitioner to pay an amount of Rs.3,42,70,673/- and it is the specific contention of the petitioner that, the order Impugned dated 20.12.2023 had been passed without issuing notice to the petitioner herein.

4. On the other hand the learned counsel appearing on behalf of respondents would submit that through the letter TS./RO/ HYD-I/21601/C-I/T-2/2023-24, dated 20.09.2023

the petitioner was informed about the passing of the Impugned orders under Section 14B and 7Q before CGIT.

5. At this stage, the learned Senior counsel, appearing on behalf of petitioner would further submit that the petitioner is ready and willing to clear the due amount of Rs.3,42,70,673/- to the respondents in an equated monthly instalments and the Counsel further represents that the said submission may also be brought on record. Learned counsel appearing on behalf of respondent Nos.2 to 4 does not oppose the said submission made by the learned Senior counsel appearing on behalf of the petitioner.

6. Taking into consideration the above submission of the learned counsel for the petitioner, this Court is inclined to grant reasonable time to the petitioner to deposit the said amount in equated monthly instalments.

7. Taking into consideration the earlier orders of this Court dated 18.08.2022 passed in W.P.No.32605 of 2022 in respect of the same petitioner herein, the Writ petition is disposed of granting Nine (09) Equated Monthly Instalments to the petitioner to clear outstanding balance amount of Rs.3,42,70,673/- and the petitioner shall pay the said amount on or before 15th of every month starting from

February, 2024. If the petitioner fails to pay the said amount within the aforesaid stipulated time, liberty is granted to the respondent authorities to take steps, in accordance with law.

8. Taking into consideration the above observations, respondent Nos. 3 and 4 are directed to forthwith direct respondents 5 to 8 to defreeze the bank accounts of the petitioner society in respondent Nos. 5 to 8 banks viz., 1) A/C . No.39222297025, branch code: 2254; 2) A/ C No.36538774228, Branch Code: 951; 3) A/C No. 34137373146, Branch Code: 11068; 4) A/C No. 36530037456, Branch Code: 7487; 5) A/C No.37908265567, Branch Code : 20362; 6)A/C No. 10243576460, Branch Code: 7112; 7)A/C No. 37744793341, Branch Code: 20333; 8)A/c No.39583105772, Branch Code 001611; 9)A/C No.42505922658, Branch Code : 7112. However, in the circumstances of the case, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Ministry of Labour and Employment, Union of India, New Delhi.
2. The Central P.F. Commissioner, Employees Provident Fund Organization, Head Office, at Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

3. The Regional P.F. Commissioner - I, Employees Provident Fund Organization, Regional, 3- 4- 763, Barkathpura, Hyderabad- 27.
4. The Assistant P.F. Commissioner (PD- I), Employees Provident Fund Organization, Regional Office, Hyderabad- I 3- 4- 763, Barkathpura, Hyderabad- 27.
5. The Chairman, The State Bank of India, State Bank Bhavan 16th Floor, Madam Cema Road Mumbai - 400 021
6. The Branch Manager, State Bank of India, Plot No. 526, Opp. S. V. Nagar Bus Stop, Keesara Mandal, Nagaram, Hyderabad Telangana - 500083.
7. The Branch Manager, State Bank of India, Lalaguda Branch, 12- 05- 35/B/2, Marrideep, Tarnaka, Secunderabad- 17
8. The General Manager, State Bank of India, Station Road, New Town Branch, Mahbubnagar, Telangana- 509001
9. One CC to M/s. MYKALA TITUS FINNY, Advocate [OPUC]
10. One CC to SRI T. SASI KUMAR, Advocate [OPUC]
11. One CC to SRI G. VENKATESWARLU, SC FOR CENTRAL GOVERNMENT [OPUC]
12. Two CD Copies

BN
BS

CC TODAY

HIGH COURT

DATED:08/01/2024

ORDER

WP.No.545 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

VLV
10/1/24