



WEB COPY

WP No.13836 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 14.02.2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No.13836 of 2012**

Assistant Provident Fund Commissioner  
Office of the Regional Provident Fund  
Commissioner,  
Bhavishya Nidhi Bhavan, Dr.Balasundaram Road,  
Coimbatore-641 018.

Petitioner

Vs

1. M/s.Selvarani Spinning Mills Pvt. Ltd.,  
Lessee of GTV Spinners Limited,  
215 E Pulankinar (PO)  
Udumalpet 642 122.

2. The President,  
Employees Provident Fund Appellate Tribunal,  
Scope Minar, 4<sup>th</sup> Floor,  
Core-2, Laxmi Nagar,  
New Delhi-110 092.

Respondents

**PRAYER** Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, to call for the records relating to the proceedings of the second respondent dated 23.03.2012 in Ref. No.ATA No. 511(13) of 2009 and quash the same.



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For Petitioner

Mr. C.Klanthaivel

For Respondent

R1 – NRN

R2 – No appearance

**ORDER**

The petitioner has filed this Writ petition seeking to quash the proceedings of the second respondent dated 23.03.2012 in Ref. No.ATA No. 511(13) of 2009.

2. It is the case of the petitioner that the first respondent is a private limited covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner department issued an order under Section 7A of the EPF Act, determining a sum of Rs.22,72,675/- towards the dues payable by the first respondent for the period from 11/2007 – 03/2009 by order dated 30.06.2009. The first respondent had already agreed to the dues determined under Section 7A by filing the statutory returns in Form 12 A. Since the determined amount was not paid, the petitioner proceeded for recovering the same. At this juncture, the first respondent moved an appeal before the second respondent in ATA. No.511(13)2009. The second respondent vide its order dated 07.08.2009, ordered to deposit a sum of Rs.10 lakhs by the first respondent within a period of eight weeks and adjourned the case. The first respondent did not comply with the said order. On 23.03.2012 the second respondent allowed the petition directing the first respondent to remit the determined amount of



Rs.58,683,265/- in 36 equal installments. Challenging the said order, the petitioner has filed the present writ petition before this Court.

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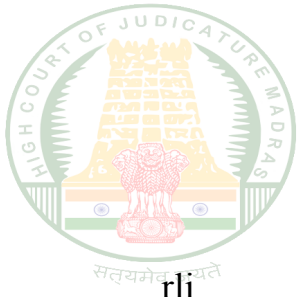
3. The learned counsel for the petitioner submitted that the impugned order has been passed by the second respondent granting 36 months instalments for paying Rs.58,68,326/- total due excluding interest and damages itself comes to Rs.1,08,60,745/- The same was not considered by the second respondent and mechanically passed an order, which is not sustainable one. Hence, this Court may allow this petition.

4. Heard learned counsel appearing on behalf of the petitioner and perused the materials available on record.

5. Considering the fact that the second respondent has granted time for 36 months to the first respondent to comply with the order. However, the time granted was already over. Further, if the petitioner has any grievances in respect of the impugned order, he has to file appeal before the second respondent. Without doing so, he has filed the writ petition, which is not sustainable one and the same is not maintainable.

6. Such being the position, this Writ Petition stands dismissed. No costs.

**14.02.2025**



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**M.DHANDAPANI,J.**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Office of the Regional Provident Fund  
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