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W.P.No.2090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2090 of 2025
and W.M.P.No.2456 of 2025

M/s.Madras Pinjrapole,
Rep. by its General Manager, R.Sureshkumar,
383, Konnur High Road, Otteri,
Chennai - 600 012. .. Petitioner

Versus

1. Regional Provident Fund Commissioner - I
& Recovery Officer, Employees Provident Fund
Organization, Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.
2. The Branch Manager,
State Bank of India, Ayanavaram Branch,
77 (26/2), Venkatesapuram Colony,
K.H. Road (Opp to Sayani Complex),
Ayanavaram, Chennai - 600 023. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



W.P.No.2090 of 2025

pleased to issue a Writ of Certiorari to quash the impugned recovery notice issued by the 1st respondent bearing Ref.No.CHN/1456029/Div-23/Recovery.Reg1/2024, dated 13.09.2024.

For Petitioner : Mr.P.Thangaraju

For Respondents : Mr.K.Venkatesan,
Standing Counsel for R1

ORDER

This Writ Petition is filed to quash the impugned recovery notice, dated 13.09.2024 issued by the first respondent.

2. The case of the petitioner is that the petitioner had filed an appeal as against the determination of the contribution under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 before the Appellate Tribunal. When the appeal came up for hearing, the same was dismissed for default. The petitioner already filed a restore application and the appeal was also restored. However, only because there is no Presiding

Officer, the matter could not be taken up for admission and passing of any



W.P.No.2090 of 2025

WEB COPY

interim order. Therefore, the petitioner approached this Court.

3. Per *contra*, the learned Counsel for the first respondent organisation, would submit a huge amount of Rs.66,05,819/- is due. The petitioner did not properly prosecute the appeal and obtained any interim stay. The petitioner is supposed to make a pre-deposit upto 75% of the entire claim. Only upon the pre-deposit, even the appellate authority could have granted any interim order. Even in the Tribunal, intermittently, the incharge Presiding Officer is visiting and therefore, the petitioner, without exhausting that remedy, wrongly approached this Court.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. I have already given directions to the Central Government to look into the matter to appoint a regular Presiding Officer. It is also taken notice



W.P.No.2090 of 2025

WEB COPY

that once in a while, the Presiding Officers from the other Tribunals visits and hearings are being conducted. However, no specific date, as to the next sitting of the Presiding Officer, is given. Therefore, when the recovery proceedings are now initiated, there is no certain next date for the petitioner to move the appeal against the interim order.

6. On a perusal of Section 7-O of the Act, it can be clear that the petitioner is liable to make a pre-deposit of 75% of the total claim. However, power is also granted to the Tribunal to waive the pre-deposit upto any percentage including completely. However, considering the overall facts and circumstances of the case, when the appeal filed by the petitioner is restored, an opportunity can be granted to the petitioner to canvass the appeal on merits. Pending the appeal, since there is no Presiding Officer as on today, this Court considers the grant of interim order. Until the appeal is disposed of, by considering the difficulty expressed and the nature of claim made and the opposition made by the learned Counsel for the first



W.P.No.2090 of 2025

WEB COPY

respondent organisation, I am of the view that there can be an order of interim stay on a condition that the petitioner deposits a sum of Rs.20,00,000/- to the credit of the first respondent organisation.

7. Therefore, this Writ Petition is disposed of on the following terms:-

(i) The petitioner shall, without any further default, follow up its appeal, move the same and argue the same as and when the incharge Presiding Officer takes up the matter;

(ii) Until the appeal is disposed of on merits, let there be an order of interim stay of all further proceedings including the recovery proceedings pursuant to the determination of contribution of a sum of Rs.66,05,819/- pursuant to the order, dated 06.07.2023 until the appeal is disposed of on a condition that the petitioner herein deposits a sum of Rs.20,00,000/- on or before 13.03.2025;

(iii) If the amount is not deposited on or before 13.03.2025, the order of interim stay shall stand automatically vacated without any further



W.P.No.2090 of 2025

WEB COPY

reference to this Court or to the Appellate Tribunal and the first respondent organisation will be at liberty to proceed further with the recovery proceedings;

(iv) It is made clear that no further extension of time will be granted as huge time is granted inspite of the opposition by the learned Counsel for the first respondent organisation;

(v) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Neutral Citation : no
grs

To

1. The Regional Provident Fund Commissioner - I
& Recovery Officer, Employees Provident Fund
Organization, Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.

2. The Branch Manager,

<https://www.mhc.tn.gov.in/judis>



W.P.No.2090 of 2025

WEB COPY

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WEB COPY



W.P.No.2090 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.2090 of 2025
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WEB COPY



W.P.No.2090 of 2025

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