



WEB COPY



W.P.No.16375 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16375 of 2015

And

M.P.No.2 of 2015

- 1.Kaleeswarar Mills 'A' Unit, Coimbatore (Closed)
- 2.Somasundaram Mills, Coimbatore (Closed)
- 3.Coimbatore Spinning & Weaving Mills, Coimbatore
- 4.Cambodia Mills, Coimbatore
- 5.Coimbatore Murugan Mills, Coimbatore
- 6.Sri Ranga Vilas Ginning & Weaving Mills, Coimbatore
- 7.Pankaja Mills, Coimbatore
- 8.Sri Saradha Mills, Coimbatore (Closed)
- 9.Krishnaveni Textile Mills, Coimbatore (Closed)
- 10.Om Parasakthi Mills, Coimbatore (Closed)

Unit Mills of National Textile Corporation Ltd.,
Rep. by Senior Manager (HR – HoD),
Southern Regional Office,
No.35-B, Somasundaram Mills Road,
Coimbatore – 641 009.

... Petitioners

Vs.

- 1.The Chief Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
No.14, Bhikaji, Cama Place,
New Delhi – 110 066.
- 2.The Director (Recovery),
Employees' Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.14, Bhikaji, Cama Place,
New Delhi – 110 066.



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3.The Regional Provident Fund Commissioner/
Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
Dr.Balasundaram Road,
Coimbatore – 641 018.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondents herein, pertaining to the communication No.RRC/40 (3)07/NTC/19196 dated 20.03.2015 of the second respondent herein, along with the consequential communication No.TN/RO-CBE/NTC/RECOVERY/2015 dated 25.05.2015 from the third respondent herein, and quash the same with a consequential direction to the respondents herein to grant waiver of damages to the petitioner Mills.

For Petitioners : Mr.C.V.Vijayakumar
For Respondents : Mr.C.Kulanthaivel

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the respondents pertaining to the communication No.RRC/40 (3)07/NTC/19196 dated 20.03.2015 of the second respondent, along with the consequential communication No.TN/RO-CBE/NTC/ RECOVERY/2015 dated 25.05.2015 from the third respondent and quash the same with a



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consequential direction to the respondents to grant waiver of damages to the petitioner Mills.

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2.Heard the arguments advanced on either side and perused the materials available on record.

3.Perusal of records reveal that for non payment of contribution of the employees provident fund, the respondent initiated proceedings under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act [hereinafter referred to as 'Act'] and passed order against the petitioner Mills. Thereafter, the respondents assessed damages and interest in terms of Sections 14B and 7Q of the Act. Thereafter, the petitioner filed application seeking waiver of damages and the second respondent passed the impugned order rejecting the request for waiver of damages with direction to the petitioner Mills to deposit the outstanding dues.

4.However the fact remains that already the orders passed under Sections 7A, 14B and 7Q of the Act were challenged before this Act and the same were confirmed by this Court and it was challenged before the Hon'ble Apex Court and the Hon'ble Apex Court also



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confirmed the orders and hence the consequential waiver application becomes infructuous.

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5. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

06.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1. The Chief Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
No.14, Bhikaji, Cama Place,
New Delhi – 110 066.
2. The Director (Recovery),
Employees' Provident Fund Organization,
Bhavishya Nidhi Bhavan,
No.14, Bhikaji, Cama Place,
New Delhi – 110 066.
3. The Regional Provident Fund Commissioner/
Recovery Officer,
Employees' Provident Fund Organization,
Regional Office,
Dr. Balasundaram Road,
Coimbatore – 641 018.

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