



W.P.No.29540 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29540 of 2011

and

M.P.Nos.1 to 4 of 2011

M/s.Rapidcare Transcription Pvt. Ltd
Rep. by its Director Mr.R.Viswanathan
2nd Floor, JK Towers,
100 Feet Road,
Puducherry – 605 013.

... Petitioner

Vs.

1. Employees Provident Fund Organisation,
Represented by its Commissioner,
Sub-Regional Office,
No.101, 100 Feet Road,
Sri Venni Complex, Chozhan Nagar,
Olandai Keerai Palayam,
Puducherry – 605 004.
2. Assistant Provident Fund Commissioner (Comp)
Employees Provident Fund Organisation,
Sub-Regional Office,
No.101, 100 Feet Road,
Sri Venni Complex, Chozhan Nagar,
Olandai Keerai Palayam,
Puducherry – 605 004.
3. Area Enforcement Officer-Div III,
Employees Provident Fund Organisation,
Sub-Regional Office,



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No.101, 100 Feet Road,
Sri Venni Complex, Chozhan Nagar,
Olandai Keerai Palayam,
Puducherry – 605 004.

4. M/s.Gemini Bay Transcription Pvt. Ltd.
No.241/A, Opp. Fidvi Complex,
Near Residency School, Residency Road,
Sadar, Nagpur – 440 001.

5. The Recovery Officer,
Employees Provident Fund Organisation
Sub-Regional Office,
No.101, 100 Feet Road,
Sri Venni Complex, Chozhan Nagar,
Olandai Keerai Palayam,
Puducherry – 605 004.

*Cause title amended as per order dated 23.12.2011 by KSAJ in
M.P.No.5 of 2011 in W.P.No.29540 of 2011* ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for records of impugned demand notice No.CHN/SRO/PCY/Recy/PC/1812/2011 dated 09.12.2011 of the 5th respondent which has confirmed the TBM/SRO/PCY/PC-1812/Comp/2010 dated 20.08.2010 passed by the second respondent and the Recovery Certificate in No.TBM/SRO/PONDY/PC/1812/Comp/2011 dated 31.05.2011 passed by the 2nd respondent and quash the same as illegal, arbitrary, without the authority of law.

For Petitioner : Mr.D.Ferdinand for M/s.BFS
Legal

For Respondents : Mr.K.Srinivasamurthy for R1
to R3, R5



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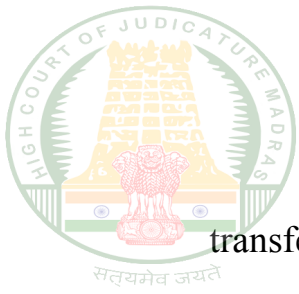
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No appearance for R4

ORDER

This writ petition has been filed seeking to quash the impugned demand notice No.CHN/SRO/PCY/Recy/PC/1812/2011 dated 09.12.2011 of the 5th respondent which has confirmed the TBM/SRO/PCY/PC-1812/Comp/2010 dated 20.08.2010 passed by the second respondent and the Recovery Certificate in No.TBM/SRO/PONDY/PC/1812/Comp/2011 dated 31.05.2011 passed by the 2nd respondent.

2. It is the case of the petitioner that the petitioner is a premier Medical Transcription Company incorporated under the Companies Act, 1956. The said company is covered under the provisions of Employees Provident Fund Act and has been remitting contributions for their employees regularly. In the course of time, the petitioner company had opened a branch at Pondicherry. The fourth respondent a company based in the State of Maharashtra, for whom the petitioner was a sub-contractor, approached the petitioner to take over the Puducherry unit of the petitioner company and the same fructified in an agreement to



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transfer dated 26.10.2009, with the fourth respondent taking over the unit from 01.11.2009 onwards. The change in management was notified to the respondents vide a letter dated Nil.12.2009. Subsequently, without issuing any notice to the petitioner, the fourth respondent closed down its Puducherry operations. Whiles, the respondents initiated Section 7A enquiry against the fourth respondent in May 2019, by which time, the fourth respondent had closed down its operations in Puducherry and the petitioner has recommenced its operations at the same site and sought various information with regard to the fourth respondent. The third respondent passed an inspection report dated 28.07.2010 and assessed the dues payable. Thereafter, the second respondent passed the proceedings u/s.7A and u/s.8F of the EPF Act for recovery of a sum of Rs.7,28,973/-. The Fifth respondent has passed an impugned order dated 09.12.2011 stating that steps would be taken to realise the amount if the petitioner defaults in payment of Rs.2,98,481/-, confirming the earlier order passed by the second respondent dated 20.08.2010 and the recovery certificate dated 31.05.2011. Challenging the demand notice dated 09.12.2011, the present writ petition has been filed by the petitioner herein.



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3. The learned counsel for the petitioner submits that though the petitioner has paid the contribution, however, the respondent authority has passed the impugned awards which is *per se* unsustainable.

4. The learned counsel for the respondents 1 to 3 and 5 submitted that the amount impugned was already recovered from the petitioner on 15.01.2011. In view of the above this Court may close the file in respect of non payment of contribution from November and December 2009 and January to April, 2010. Accordingly, he prayed for passing appropriate orders.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3 and 5 and perused the materials placed on record.

6. In view of the above, this Court directs the petitioner management to pay a sum of Rs.2,98,481/- if not already paid without any penal interest to the respondents authority within a period of two weeks from the date of receipt of a copy of the order. However, liberty is granted to the petitioner to recover the alleged amount from the fourth



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respondent in the manner known to law.

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7. With the above observation, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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RAP

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

To

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M.DHANDAPANI, J.

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