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W.P.No.5526 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 19.02.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.5526 of 2025  
and W.M.P.No.6091 of 2025**

M/s.Jain Housing Constructions Limited,  
Represented by its Authorised Signatory,  
Mr.Vijayshekhawat,  
No.98/99, Habibullah Road,  
T.Nagar,  
Chennai-600 017.

... Petitioner

**Vs.**

1. The Regional Provident Fund Commissioner-I,  
Chennai South,  
Regional Office, Chennai-II,  
Employees Provident Fund Organization,  
37, Royapettah High Road,  
Chennai-600 017.
2. The Assistant Provident Fund Commissioner,  
Regional Office, Chennai,  
Employees Provident Fund Organization,  
37, Royapettah High Road,  
Chennai-600 017.



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3. The Enforcement Officer,  
Employees' Provident Fund Organization,  
Employees Provident Fund Organization,  
37, Royapettah High Road,  
Chennai-600 017.

... Respondents

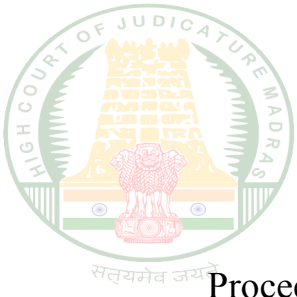
**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents from proceeding any further in terms of the order dated 29.08.2024 in Section 7B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, in proceedings No.TN/MAS/SOUTH/COMP/DIV-33/7B Proceedings/49494/2024, until such time the petitioner procures the certified copy of the order dated 09.01.2025 passed in EPFA.No.203 of 2024 from the Registry of Central Government Industrial Tribunal cum Labour Court, Chennai.

For Petitioner : Mr.Harron Al Rasheed  
for M/s.AGAM Legal

For Respondents : Mr.M.Palanimuthu  
for R1 to R3

### **ORDER**

This Writ Petition has been filed to forbear the respondents from proceeding further in terms of the order dated 29.08.2024 made vide proceedings No.TN/MAS/SOUTH/COMP/DIV-33/7B



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Proceedings/49494/2024 under Section 7B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, until the petitioner procures the certified copy of the order dated 09.01.2025 passed in EPFA.No.203 of 2024 from the Registry of Central Government Industrial Tribunal cum Labour Court, Chennai.

2. The learned counsel appearing for the petitioner submits that the petitioner Management is doing construction business and on the basis of the inspection conducted by the second respondent, enquiry was contemplated under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, claiming contribution towards certain employees for the period from April 2012 to March 2014 and the second respondent, vide order dated Nil.04.2019, determined contribution to the tune of Rs.22,77,55,618/- payable by the petitioner for the period from 04/2012 to 03/2014, against, which, the petitioner filed an application before the first respondent as provided under Section 7B of the Act, 1952, seeking to review the order dated Nil.04.2019, wherein, the first respondent



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reviewed the order dated Nil.04.2019 and reduced the amount of contribution to the extent of Rs.1,82,00,747/- vide order dated 29.08.2024 in proceedings No.TN/MAS/SOUTH/COMP/DIV-33/7B Proceedings/49494/2024, however, some of the objections raised on behalf of the petitioner was rejected by the first respondent. Aggrieved by the same, the petitioner preferred an appeal before the Central Government Industrial Tribunal, Chennai, in EPFA.No.203 of 2024 and it was dismissed on 09.01.2024. However, the certified copy of the order has not been furnished and thereby, the petitioner is not able to challenge the order made in EPFA.No.203 of 2024, but the respondents initiated consequential proceedings to recover a sum of Rs.1,82,00,747/- as demanded by the first respondent vide order dated 29.08.2024. Hence, having no other other remedy but to file this writ petition, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that since the certified copy of the order made in E.P.F.A.No.203 of 2024 has not been furnished to the petitioner, the petitioner is not able to challenge the



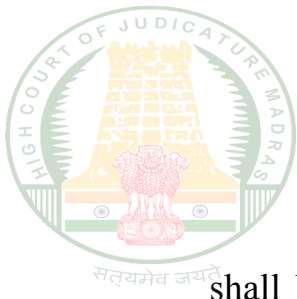
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said order, however, the respondents initiated consequential proceedings for recovery of a sum of Rs.1,82,00,747/- as demanded by the first respondent vide order dated 29.08.2024. Hence, this Court may impose reasonable condition and forbear the respondents from proceeding further, till the petitioner procures the certified copy of the order made in EPFA.No.203 of 2024.

4. Heard the learned counsel appearing for the petitioner Management and the learned counsel appearing for the respondents 1 to 3.

5. Considering the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to direct the petitioner to deposit 50% of the demand amount made by the first respondent vide proceedings dated 29.08.2024 made in No.TN/MAS/SOUTH/COMP/DIV-33/7B Proceedings/49494/2024 within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, without providing copy of the order in appeal to the petitioner, no coercive action



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shall be taken against the petitioner. However, it is made clear that if the petitioner fails to deposit the aforesaid amount within the time stipulated by this Court, it is open to the respondents to proceed in accordance with law. Upon receipt of a copy of the order, it is open to the petitioner to challenge the order dated 09.01.2024 made in EPFA.No.203 of 2024 in the manner known to law.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

**19.02.2025**

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



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**M.DHANDAPANI, J.**

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