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W.P.No.5768 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5768 of 2011

And

M.P.No.1 of 2011

The Management of Cosmopolitan Club
No.63, Mount Road,
Chennai 600 002.

rep. by its Hony.Secretary

... Petitioner

Vs.

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal
(Ministry of Labour and Employment,
Government of India),
SCOPE MINAR, CORE II 4th Floor
Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi – 110 092.

2.The Assistant Provident Fund Commissioner (C & R)
Employees' Provident Fund Organisation
Regional Office, Chennai Region,
No.37, Royapettah High Road,
Chennai – 600 014.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for the records of the first respondent
in ATA No.573 (13) of 2009 and quash its order dated 28.01.2011.



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For Petitioner : Mr.W.Aadarsh Levin
for M/s.T.S.Gopalan and Co.

For Respondents : R1 – No Appearance
Mr.K.Venkatesan for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in ATA No.573 (13) of 2009 and quash its order dated 28.01.2011.

2.The case of the petitioner is that the petitioner is registered under the Companies Act and is covered under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act [hereinafter referred to as the 'Act']. The petitioner has been regularly paying contribution under the Act in respect of its permanent workmen and since the petitioner was advised that it was not liable to pay EPF contribution in respect of casual workmen, it was not remitting contribution for them. However, the second respondent issued order dated 25.05.2009 under Section 7A of the Act claiming contribution from the petitioner in respect of casual workmen from January, 2006 to March, 2009 to the tune of Rs.42,25,430/- and aggrieved by the same, the petitioner filed review application under Section 8B(1) of the



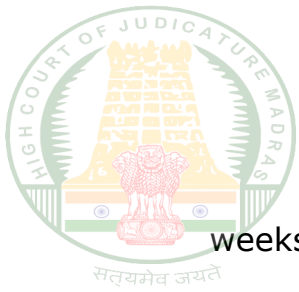
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Act before the second respondent and the second respondent rejected the review application on 15.07.2009. Aggrieved by the same, the petitioner filed appeal before the first respondent in ATA No.573 (13) of 2009 and the first respondent vide impugned order dismissed the appeal. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the petitioner has made the entire contribution to the tune of Rs.42,25,430/-. It is for the second respondent to credit the same in the account of the respective employees.

4.In view of the above, no further adjudication is necessary in this writ petition. This Court directs the petitioner to furnish the details of the employees and the contribution to the second respondent so as to enable the respondent to credit the amount in the account of the respective employees. On receipt of the details from the petitioner, the second respondent is directed to credit the amount deposited by the petitioner to the account of the respective employees. Such exercise shall be completed within a period of six



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weeks from the date

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M.DHANDAPANI,J.

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of receipt of a copy of this order. It is made clear that no further interest or damages or penalty will be recovered from the petitioner.

5.The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2025

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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Employees' Provident Fund Appellate Tribunal
(Ministry of Labour and Employment,
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