



W.P.No.6070 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6070 of 2025

and

W.M.P.No.6674 of 2025

M/s.AP Travels and Tours (India) Pvt Ltd.,
Rep. by its Director, Mr. Kamal P,
374, AP Tower, Dr.Rajendra Prasad Road,
Coimbatore – 641 012.

... Petitioner

Vs.

1.Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhawan,
Dr.Balasundaram Road, Coimbatore – 641 018.

2.Regional PF Commissioner II & Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Bhavishya Nidhi Bhawan,
Dr.Balasundaram Road, Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 23.06.2023 passed by the Central Industrial Tribunal and quash the same as illegal and arbitrary and consequently, direct the 1st and 2nd respondent to consider the case of the petitioner afresh.



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W.P.No.6070 of 2025

For Petitioner : Mr.M.Velmurugan
For Respondents : Mr.P.K.Panneer Selvam
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 23.06.2023 passed by the Central Industrial Tribunal and quash the same as illegal and arbitrary and consequently, direct the respondents 1 and 2 to consider the case of the petitioner afresh.

2. Mr.P.K.Panneer Selvam, learned Standing Counsel, takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

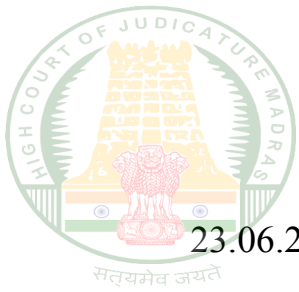
3. The case of the petitioner is that, it is a registered company involved in the business of Taxi Services, since 2011 and employed around 50 workers and also hires workers on temporary drivers. It is covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (in



W.P.No.6070 of 2025

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short 'EPF & MP Act') and duly remitted contributions for eligible employees. Based on a complaint filed by temporary drivers regarding EPF benefits, the respondents initiated an inquiry proceedings for the months from 08/2013 to 10/2014. Due to financial struggles caused by Ola and Uber's entry, the petitioner could not effectively participate. An inspection report dated 21.01.2016 included non-eligible workers but was not furnished to the petitioner. Relying on this report, the 2nd respondent passed an order dated 12.05.2016, demanding a sum of Rs.81,98,504/- as dues. Aggrieved by the same, the petitioner preferred an appeal before the Bengaluru Tribunal in A/TN 113/2016, which was dismissed on the grounds of delay and jurisdictional vide order dated 08.12.2016. Subsequently, petitioner has filed a writ petition before this Court in W.P.No.14 of 2017 and this Court vide order dated 18.03.2022, set aside the impugned order and remitted the case for fresh consideration. During the pendency of the case, the petitioner completely ceased its business in the year 2018, remaining active only due to pending loans. Pursuant to the order passed by this Court, the Tribunal took up the matter for fresh consideration again and the appeal was renumbered as EPFA 112/2022, but the petitioner was unaware. Thereafter, the appeal was dismissed for default by the Central Government Industrial Tribunal vide impugned order dated



W.P.No.6070 of 2025

23.06.2023, which the petitioner only discovered upon receiving a

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Recovery Notice dated 06.02.2025. Challenging the impugned order, the present writ petition has been filed before this Court.

4. Learned counsel appearing for the petitioner submitted that, non appearance before the appellate authority, pursuant to the directions issued by this Court, is neither wilful nor wanton and since the petitioner company becomes sick, the petitioner company is unable to run the business, thereby, the impugned order is passed. However, on instructions, the learned counsel, submitted that, as per the directions issued by this Court vide order dated 20.02.2025, the petitioner deposited a sum of Rs.10,00,000/- on 05.03.2025 and also submitted that, the petitioner is ready to deposit another sum of Rs.15,00,000/-. Hence, he submitted that, this Court may set aside the impugned order on condition to deposit Rs.15,00,000/- and after receipt of the same, the Central Government Industrial Tribunal may be directed to dispose of the appeal on merits and in accordance with law, within a time frame that may be stipulated by this Court.

5. In view of the limited request sought for by the learned counsel appearing for the petitioner, this Court, without going into the merits of the



W.P.No.6070 of 2025

WEB COPY

case, sets aside the impugned order passed by the Central Government Industrial Tribunal, on condition that the petitioner deposits a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) before the respondents, within a period of two (2) weeks from the date of receipt of a copy of this order. On such deposit being made within the time prescribed, the Central Government Industrial Tribunal is directed to take up the appeal afresh and dispose of the same on merits and in accordance with law. If the petitioner fails to deposit the said amount within the prescribed time, the impugned order passed by the appellate Tribunal will stand confirmed and the respondents would be at liberty to proceed with the matter to recover the dues from the petitioner in the manner known to law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

06.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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WEB COPY



W.P.No.6070 of 2025

M.DHANDAPANI, J.

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To

- 1.The Assistant Provident Fund Commissioner,
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Regional Office, Bhavishya Nidhi Bhawan,
Dr.Balasundaram Road, Coimbatore – 641 018.
- 2.The Regional PF Commissioner II & Recovery Officer,
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W.P.No.6070 of 2025

06.03.2025