



W.P. No. 20783 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

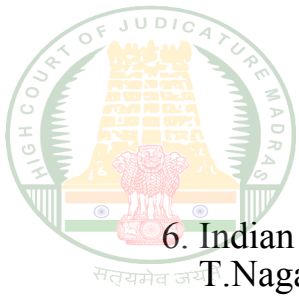
W.P. No. 20783 of 2018

Vasanthi Neelakantan

... Petitioner

-VS-

1. Enforcement Officer
Division – 25
EPFO-Regional Office
No.37, Royapettah High Road
Chennai – 600014.
2. Recovery Officer
Employees Provident Fund Organization
No.37, Royapettah High Road
Chennai – 600014.
3. The Commissioner
Employees Provident Fund Organization
Regional Office
No.37, Royapettah High Road
Chennai – 600014.
4. M/s.Brilliant Tutorials Pvt. Ltd. (In Liquidation)
Rep. by Official Liquidator
2nd Floor, Corporate Bhawan
No.29, Rajaji Salai, Chennai – 600001.
5. Central Bank of India
Mid Corporate Branch
Represented by its Assistant General Manager
No.48/49, Montieth Road, Egmore
Chennai-600008.



W.P. No. 20783 of 2018

6. Indian Bank
T.Nagar Branch
Represented by its Branch Manager
No.7, Prakasam Road
T.Nagar, Chennai-600017.

... Respondents

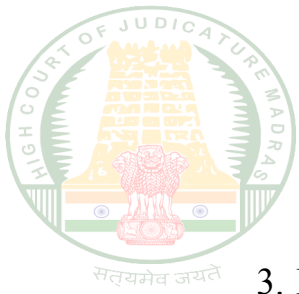
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the second respondent from taking from any recovery action against the petitioner pursuant to the impugned notice in No.TN/CHN/Recy/CP1/TN/22600/D25/Regl/2018 dated 28.06.2018.

For Petitioner : Mr.Kaushik N.Sharma
For Respondents : Mr.K.Venkatesan, SC (RR1 to R3)
Mr.M.L.Ganesh (R5)
Mr.S.Gopalakrishnan (R4) (Liquidator)
R6-No appearance

ORDER

This writ petition has been filed forbearing the second respondent from taking from any recovery action against the petitioner pursuant to the impugned notice in No.TN/CHN/Recy/CP1/TN/22600/D25/Regl/2018 dated 28.06.2018.

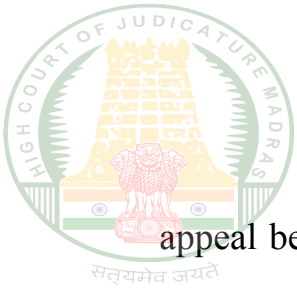
2. Heard Mr. Kaushik N.Sharma, learned counsel for the petitioners and Mr.K.Venkatesan, learned standing counsel for the first to third respondents, Mr.S.Gopalakrishnan, learned Liquidator for the fourth respondent and Mr.M.L.Ganesh, learned counsel for the fifth respondent and perused the materials placed on record, apart from the pleadings of the parties.



W.P. No. 20783 of 2018

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3. It is the case of the petitioner that the Petitioner herein was one of the Directors of Brilliant Tutorials Pvt. Ltd., which was incorporated in the year 1989 under the provisions of Companies Act, 1956. Central Bank of India, the 5th Respondent herein had filed Crl.M.P.No.6316 of 2015 before the Hon'ble Chief Metropolitan Magistrate, Allikulam under the provisions of SARFAESI Act, 2002 to take physical possession of the premises belonging to Brilliant Tutorials Pvt. Ltd. and subsequently on 21.12.2015, the 5th Respondent takes physical possession of the said premises. On 11.01.2016, the Hon'ble High Court of Madras orders for the liquidation of Brilliant Tutorials Pvt. Ltd. in C.P.No.281 of 2012. Subsequently, the 5th Respondent herein issues and registers a sale Certificate in its own name for the said premises as Document No.01 of 2018 in the office of Sub-Registrar, T.Nagar. In the month of May 2018, the Petitioner herein was in receipt of a communication from the Respondents No.1 and 2 dated 06.02.2018 intimating the attachment of the Petitioner's account with A/c No.921708052 maintained with the 6th Respondent Bank. The 2nd Respondent herein had issued a Notice of Demand prior to the attachment of movable and immovable properties on 28.06.2018. The Petitioner herein had even provided a representation to the 2nd Respondent explaining the fact that the Company is under liquidation and that the Official Liquidator, Hon'ble High Court of Madras is the competent person to file the



W.P. No. 20783 of 2018

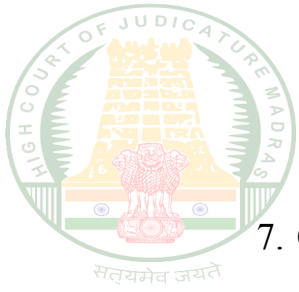
appeal before the appropriate authority. In addition to this the Petitioner herein

had also provided a letter the Official Liquidator requesting to file an appeal against the action of the Respondents No.1 to 3.

4. The learned counsel for the petitioner submitted that the second respondent has erred in sending the impugned notice to the petitioner, as he has addressed the petitioner as the Managing Director of the 4th respondent company, which is technically incorrect. Further, the respondents 1 to 3 are very much aware of the fact that the possession of all the documents pertaining to the 4th respondent are currently in the said premises, which is under the possession of the 5th respondent Bank. Without considering the entire fact, the present impugned notice has been passed, which has to be quashed and the writ petition is to be allowed.

5. The learned counsel appearing for the respondents 1 to 3 submitted that as against the impugned notice, the petitioner has to file appeal before the appellate authority. Hence, the present writ petition is not maintainable and the same is liable to be dismissed.

6. The learned counsel for the other respondents have not raised any objection in this regard.



W.P. No. 20783 of 2018

7. Considering the fact that the second respondent has sent notice to the petitioner for recovery of an Provident Fund amount of Rs.34,53,065/- in respect of interest and penalty.

8. As rightly pointed out by the learned counsel for the respondents that if the petitioner has any grievance, they have to approach the appellate authority. Without doing so, the petitioner has filed the present writ petition, which is not sustainable.

9. In the result, tis writ petition is disposed of. There shall be no order as to costs. However, the petitioner is at liberty to approach the competent forum to work out her remedy in the manner known to law.

24.03.2025

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

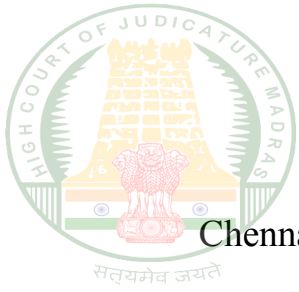
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M.DHANDAPANI, J.

Rli

To

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Division – 25
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W.P. No. 20783 of 2018

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