



W.P.No.10399 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10399 of 2025

and

W.M.P.No.11698 of 2025

M/s.Agarwal Bhavan,
Rep. by its Partner Shri. Bansidhar Gupta,
155, Govindappa Naicken St.,
Mannady, Chennai – 600 001.

... Petitioner

Vs.

1.Regional Provident Fund Commissioner – II,
Employees Provident Fund Organization,
Regional Office, Royapettah,
Chennai – 600 014.

2.The Recovery Officer,
Employees Provident Fund Organization,
Regional Office, Royapettah,
Chennai – 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to take any coercive action with respect to order No.TN/RO/CHN-I/CC-I/TNMAS0010308000/Div.11/Enf/2024 dated 09.12.2024 passed by the 1st respondent, till the stay application in EPFA 35 of 2025 is disposed off by the Central Government Industrial Tribunal cum Labour Court, Chennai.



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For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.M.Palanimuthu
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents not to take any coercive action with respect to order No.TN/RO/CHN-I/CC-I/TNMA0010308000/Div.11/Enf/2024 dated 09.12.2024 passed by the 1st respondent, till the stay application in EPFA 35 of 2025 is disposed off by the Central Government Industrial Tribunal cum Labour Court, Chennai.

2. Mr.M.Palanimuthu, 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 firm registered under the provisions of the Partnership Act, engaged in the business of



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Manufacturer of sweets and savories. It is registered under the Employees Provident Funds & Miscellaneous Provisions Act, 1952 (in short 'the EPF Act') and has been regularly complying under the provisions of the Act. Whiles, the 1st respondent has passed an order dated 09.12.2024 demanding a sum of Rs.2,33,19,262/- towards provident fund, pension fund, insurance contribution and administrative charges for the period 04/2018 to 08/2023, against which, the petitioner had filed an appeal before the Central Government Industrial Tribunal cum Labour Court, Chennai u/s 7-I of the Act on 28.01.2025 along with an application for stay. Since there is no quorum in the Central Government Industrial Tribunal cum Labour Court, Chennai, the stay application was not taken up for hearing. Without considering the same, the respondents are initiating recovery proceedings to recover the amount demanded in the order dated 09.12.2024. If the recovery action is taken, the petitioner would be put to irreparable loss. In the meanwhile, the respondents are taking coercive action to attach the bank account of the petitioner. Hence, the present writ petition is filed.

4. Learned counsel for the petitioner submitted that, during the pendency of the 7A proceedings before the respondents, the petitioner



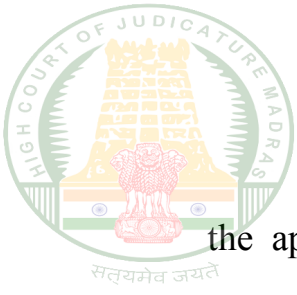
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had already paid a sum of Rs.12,00,000/-. He further submitted that, the petitioner is ready to deposit another sum of Rs.25,00,000/- within a time frame that may be stipulated by this Court and upon receipt of the same, the respondents may be directed not to take any coercive steps against the petitioner, till the disposal of the stay application in EPFA 35 of 2025, pending before the Central Government Industrial Tribunal cum Labour Court, Chennai. Accordingly, he prays for appropriate orders.

5. On the above contentions, heard the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, permits the petitioner to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) within a period of four (4) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondents are directed not to take any coercive steps, till the quorum is available, and if the quorum is available, the Central Government Industrial Tribunal cum Labour Court, Chennai is directed to dispose of



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the appeal filed by the petitioner as expeditiously as possible. If the petitioner fails to deposit the said amount within the prescribed time, the respondents are at liberty to proceed with the matter in the manner known to law.

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

24.03.2025

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

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Regional Office, Royapettah,
Chennai – 600 014.

2.The Recovery Officer,
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M.DHANDAPANI, J.

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