



W.P.No.11621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

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

W.P.No.11621 of 2025

and

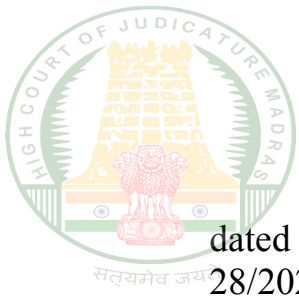
WMP.Nos.13141 and 13142 of 2025

M/s.Parveen Travels (P) Ltd.,
AB Towers,
No.148, Perambur Barracks Road,
Purasawalkam,
Chennai – 600 007,
Rep. by its Managing Director,
Mr.Afzal,
S/o.Allah Baksh
...Petitioner

Vs.

1. The Additional Central Provident Fund Commissioner,
Chennai & Pondicherry Zone,
Royapettah High Road,
Chennai – 600 014.
 2. Regional Provident Fund Commissioner -I,
Employees' Provident Fund Organisation,
Regional Office, Chennai (North),
Royapettah High Road,
Chennai – 600 017.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in orders passed under Section 7Q and 14B of EPF Act 1952 in Ref.No.TN/CHN-I/CC-II(PDC)TNMAS0050550000/D28/2023



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dated 04.03.2024, Ref.No.TN/CHN-I/CC-II(PDC)/TMAS0050550000/D-28/2024, dated 03.06.2024 and Ref.No.TN/CHN-I/CC-II(PDC)/TNMAS0050550000/D-28/2024 dated 26.08.2024 and quash the same and consequently direct the first respondent to appoint fresh Inquiry Officer for reconcile the order of the 2nd respondent.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.K.Venkatesan for R1 and R2

ORDER

This Writ petition has been filed seeking quashment of the orders passed u/s. 7Q and 14B of EPF Act 1952 of the second respondent dated 04.03.2024, 03.06.2024 and 26.08.2024.

2. The case of the petitioner is that the petitioner establishment is engaged in travel business. Due to severe recession, the performance of the petitioner's company was not able to pay off the statutory dues of the employees. Thereafter, the second respondent issued proceedings dated 04.03.2024, 03.06.2024 and 26.08.2024 u/s.7Q and 14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. Challenging the same, the present writ petition has been filed.

3. Heard learned counsel on either side and perused the materials available on record.

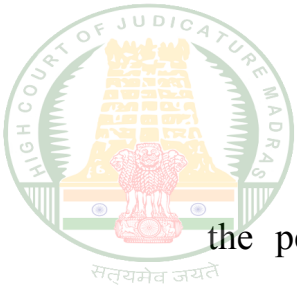


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4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the orders passed by the second respondent, there is an effective appeal remedy available before the Tribunal under Section 7-I of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and without exhausting the said appeal remedy, straight away approaching this Court by way of filing this Writ petition is not sustainable, the learned counsel for the petitioner fairly restricted the prayer and sought permission of this Court, to file appropriate Appeal before the Tribunal as per Section 7-I of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 as against the impugned orders passed by the second respondent. The learned counsel for the petitioner upon instruction submitted that the petitioner is ready to remit 25% of the demand amount before the second respondent. Learned counsel appearing for the respondents have not expressed any serious objection for the limited relief sought for by the learned counsel for the petitioner.

5. In view of the aforesaid stand taken by the learned counsel for



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the petitioner, this Court, without interfering with the orders under challenge, grants permission to the petitioner to file appropriate appeal before the Tribunal under Section 7-I of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the Tribunal shall consider the same on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any. The petitioner is directed to remit 25% of the demand amount in respective impugned orders before the second respondent and on such payment being made, the respondents shall not take any coercive steps till the disposal of the appeal filed by the petitioner. The said interim protection is only in respect of the order passed by the second respondent u/s.14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

6. With the above directions, this Writ petition stands disposed of.

No costs. Consequently, connected Miscellaneous petition is closed.



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

To

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M.DHANDAPANI., J.

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