



W.P.No.14135 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14135 of 2025

and

W.M.P.Nos.15884 & 15885 of 2025

Hofinsoft Technologies Private Limited,
Rep. by its Director,
Mr.P.U.Ajithkumar
Having office at No.24, 1st Floor,
VGP Murphy Square, 2nd Cross Street,
St.Thomas Mount, Chennai – 600 016.

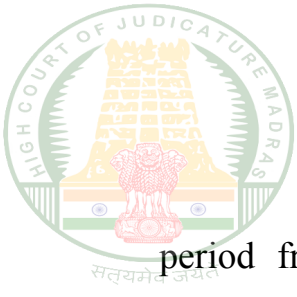
...Petitioner

Vs.

The Regional Provident Fund Commissioner-II,
Regional Office, Chennai (South),
No.37, Royapettah High Road,
Chennai – 600 014.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in No-TN/CHN(South)PDC/Div-15/49994/2025 dated 14.02.2025 and quash the same and direct the respondent to arrive at the damages and interest payable by the petitioner under Sections 14B and 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 for the



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period from 06/2019 to 03/2022 vide Diary No.238/2023 after affording an opportunity of personal hearing.

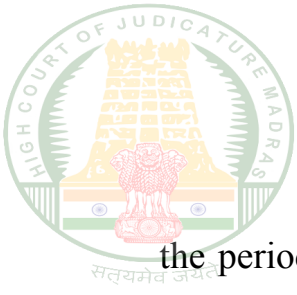
For Petitioner : Mr.P.Mohanraj

For Respondent : Mr.S.M.Deenadayalan

ORDER

This Writ petition has been filed seeking quashment of the order of the respondent in No-TN/CHN (South)PDC/Div-15/49994/2025 dated 14.02.2025 and for a consequential direction to the respondent to arrive at the damages and interest payable by the petitioner under Sections 14B and 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (in short 'EPF Act') for the period from 06/2019 to 03/2022 vide Diary No.238/2023.

2. The case of the petitioner is that it is engaged in the business of software development for IT companies and is covered by the EPF Act. The respondent issued a summon dated 19.07.2023 with regard to levy of damages and interest for



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the period from 01.06.2019 to 31.03.2022 to the tune of Rs.8,91,512/- and called

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upon the petitioner to appear for enquiry and also issued a notice dated 24.07.2023

in this regard. Upon receipt of the same, the petitioner company sent a

representation to the respondent stating that they have already paid an excess

amount of Rs.7,01,589/-, by enclosing all relevant documents. However, without

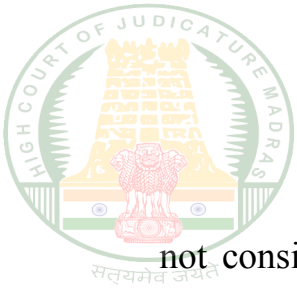
considering the same, the respondent has passed the present impugned order dated

14.02.2025 stating that the petitioner company has remitted an excess amount of

Rs.3,47,169/- and directed the petitioner to remit a further sum of Rs.5,44,343/-.

Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that, pursuant to the present impugned, the petitioner submitted a representation dated 17.03.2025 stating that they are liable to pay only a sum of Rs.2,81,834/-, after adjusting the excess payment of Rs.3,47,169/- and sought for an opportunity of personal hearing to explain their calculations to the respondent, however, the said representation was



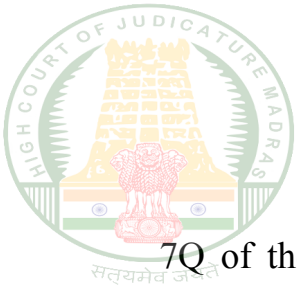
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not considered, till date. Hence, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondent to consider the said representation dated 17.03.2025 and arrive at the damages and interest payable by the petitioner under Sections 14B and 7Q of the EPF Act for the period from 06/2019 to 03/2022 vide Diary No.238/2023, after affording an opportunity of personal hearing to the petitioner to putforth its case.

4. On the above said contentions, heard learned counsel appearing on behalf of the respondent and perused the materials available on record.

5. In view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the order impugned, directs the petitioner to approach the respondent by way of making necessary application/representation seeking to arrive at the damages and interest payable by the petitioner under Sections 14B and



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7Q. of the EPF Act and upon filing of such representation, the respondent shall

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consider the same on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of filing of such representation, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

6. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

24.04.2025

skt

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

To:

The Regional Provident Fund Commissioner-II,
Regional Office, Chennai (South),
No.37, Royapettah High Road,
Chennai – 600 014.

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M.DHANDAPANI, J.

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