



W.P.No.14855 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14855 of 2025

and

W.M.P.No.16761 of 2025

American International School Chennai (AISC),
100 Feet Road,
Taramani, Chennai – 600 113,
Represented by its Head of School,
Dr.Gregory Clinton ... Petitioner

Vs.

Regional Provident Fund Commissioner – I,
Regional Office Chennai South,
Employees Provident Fund Organization,
No.37, Royapetta High Road,
Opposite Swagat Hotel,
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 respondent not to take any coercive steps to enforce the order dated April 3, 2025, bearing diary No.35/2024, till such time Presiding officer for the Appellate Authority under Section 7-D of Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (in Central Government Industrial Tribunal-cum-Labour Court) is appointed and order is passed in the appeal filed by the Petitioner under Section 7-I of the act against the said order of the



W.P.No.14855 of 2025

Respondent.

WEB COPY

For Petitioner : Mr.Sanjay Mohan
Senior Counsel
for M/s.Edward James
For Respondent : Mr.S.M.Deenedayalan

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondent not to take any coercive steps to enforce the order dated April 3, 2025, bearing diary No.35/2024, till such time Presiding officer for the Appellate Authority under Section 7-D of Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (in Central Government Industrial Tribunal-cum-Labour Court) is appointed and order is passed in the appeal filed by the Petitioner under Section 7-I of the act against the said order of the Respondent.

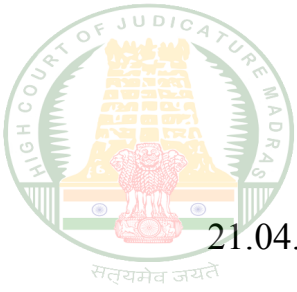
2. Mr.S.M.Deenayalan, learned counsel, takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



W.P.No.14855 of 2025

WEB COPY

3. The case of the petitioner is that, it is an international school based in Chennai and subject to the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (in short "the Act"), was subjected to multiple proceedings u/s 7A, 7Q and 14B of the Act, to which it duly complied by remitting the assessed amount. However, despite such compliance, fresh proceedings were initiated culminating in a subsequent order dated 28.10.2016, which was challenged in W.P.Nos.703 and 704 of 2017. During the pendency of those Writ petitions, further show cause notices were issued and the same was challenged in W.P.Nos.34697 and 34699 of 2019. This Court, by a common order dated 08.08.2023, allowed all the above writ petitions and directed fresh consideration of the matter in view of the fact that the payment made by the petitioner have not been given due credit and that there is no discussion about the same in the impugned orders therein. Even thereafter, the respondent issued a revised due statement along with a letter dated 22.07.2024 and passed a non-speaking order dated 03.04.2025, demanding a sum of Rs.12,34,05,897/-. Aggrieved by the revised due statement issued by the respondent dated 22.07.2024, the petitioner has preferred an appeal before the Central Government Industrial Tribunal-cum-Labour Court, Chennai u/s 7-I of the Act on



W.P.No.14855 of 2025

21.04.2025. Currently there is no presiding officer appointed to CGIT and the matter was not taken up for hearing. Without considering the same, the respondent is taking coercive steps to recover the demand amount. Therefore, left with no other option, the petitioner has filed the present writ petition.

4. Though very many grounds have been raised in this writ petition, however, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the respondent not to take any coercive steps against the petitioner till the disposal of the appeal filed by them before the Central Government Industrial Tribunal cum Labour Court, Chennai.

5. Learned counsel appearing for the respondent submitted that as against the order passed by the respondent, there is an effective appeal remedy available before the CGIT. Without exhausting the said remedy, filing the present writ petition is wholly unsustainable. Accordingly, he prays for dismissal of the writ petition.



W.P.No.14855 of 2025

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, directs the respondent not to take any coercive steps against the petitioner, till the disposal of the appeal filed by the petitioner before the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

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

24.04.2025

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

To

The Regional Provident Fund Commissioner – I,
Regional Office Chennai South,
Employees Provident Fund Organization,
No.37, Royapetta High Road,
Opposite Swagat Hotel,
Chennai – 600 014.



WEB COPY



W.P.No.14855 of 2025

M.DHANDAPANI, J.

sp

W.P.No.14855 of 2025

24.04.2025