



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.M.P.No.28067 of 2024

in

W.P.No.26391 of 2016

M/s. Emerald Engineering,
Rep. by its Managing Director P. Mohanraj,
No.41, Pudupakkam Village,
Kelambakkam – Vandalur Main Road,
Kanchipuram District.

... Petitioner

Vs.

The Regional Provident Fund Commissioner – II (DDC),
(Ministry of Labour, Government of India),
Employees Provident Fund Organization,
Regional Office, No.03, Rajaji Salai,
Tambaram, Chennai – 600 045.

... Respondent

Prayer in W.M.P.No.28067 of 2024 : Writ Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 1814 days in filing the restoration petition in W.P.No.26391 of 2016.

For Petitioner : Mr.R.Muthu Krishnan

For Respondent : Mr.M.Palanimuthu
Standing Counsel

ORDER



This Writ Miscellaneous Petition has been filed by the petitioner, seeking to condone the delay of 1814 days in filing the restoration petition in W.P.No.26391 of 2016.

2. Learned counsel appearing for the petitioner submitted that, due to the non-appearance of the counsel, the above writ petition was dismissed for non-prosecution on 18.09.2019. Thereafter, due to COVID-19 pandemic situation, the petitioner was unable to follow up the case as the petitioner company was in severe turbulence due to insolvency and had to seriously follow up the proceeding in Company Law Tribunal and Appellate Tribunal from 2017 to till date and advent of COVID-19 pandemic from 2019 to 2022. Hence, the petitioner was unable to contact the erstwhile counsel on record and therefore, the above said act is not wilful or wanton, however due to above said reasons. Therefore, the present writ miscellaneous petition is filed.

3. He further submitted that, as against the impugned order passed by the respondent, there is an effective appeal remedy available before the appellate authority. Hence, on instructions, he submitted that, the petitioner is ready to deposit 50% of the damages demanded by the respondent by way of the impugned order and this Court, may grant liberty



to the petitioner to file an appeal before the appellate authority in the manner known to law.

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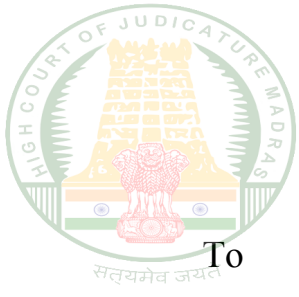
4. Considering the fact that the petitioner has come forward to deposit 50% of the damages, this Court, without going into the merits of the case, directs the petitioner to deposit 50% of the damages demanded by the respondent by way of the impugned order undated of 07/2016, within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, liberty is granted to the petitioner to prefer an appeal before the appellate authority in the manner known to law. The period pending before this Court is excluded for the purpose of limitation, enabling the petitioner to prefer an appeal.

6. Accordingly, this Writ Miscellaneous Petition is dismissed with the above liberty. No costs.

24.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.



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To

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