



WEB COPY



W.P.No.28066 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.28066 of 2025

and

W.M.P.Nos.31475 and 31477 of 2025

M/s.Mukesh and Associates

Represented by its partner D.Mukesh,

2/6, Ranganathar Avenue,

Perumal Malai Road,

Narasothipatti,

Salem-636 004

.... Petitioner

Vs.

1.Regional Provident Fund Commissioner-II,

Regional Office, EPFO,

Salem-636 302.

2.Recovery Officer,

Regional Office, EPFO,

Salem-636 302.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the Impugned Notice passed by the 2nd respondent vide Notice No.CB/SLM/RRC07/34855/RECY/505/CP-1/2025 dated 25.06.2025 to the file of this Court and quash the same.



WEB COPY



W.P.No.28066 of 2025

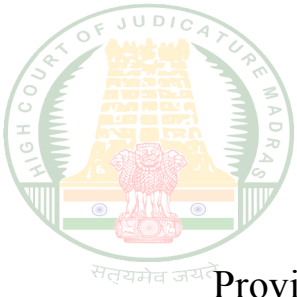
For Petitioner : M/s.Rajendra Law Office LLP
for Mr.R.Saravanan
For Respondents 1 & 2 : Mr.P.K.Panneer Selvam

ORDER

This writ petition is filed for the following relief:

“To issue a Writ of Certiorari to call for the records pertaining to the Impugned Notice passed by the 2nd respondent vide Notice No.CB/SLM/RRC07/34855/RECY/505/CP-1/2025 dated 25.06.2025 to the file of this Court and quash the same.”

2. The petitioner is carrying on business as an Architectural Consultancy Firm under the name and style of M/s.Mukesh and Associates, a partnership firm registered under the Indian Partnership Act, 1932 and functioning since 1986. The said Firm has employed several persons and has been regularly remitting their social security benefits by duly deducting the same from their salaries in accordance with law. The 1st respondent had conducted proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous



W.P.No.28066 of 2025

WEB COPY

Provisions Act, 1952 and passed an order vide proceedings No.CB/RO/SLM/Comp/7Aproceedings/34855/S-5/2025, directing the petitioner to pay a sum of Rs.91,41,861/- on 06.03.2025. The said order was received by the petitioner on 12.04.2025.

3. Meanwhile, the petitioner has filed an appeal before the Central Government Industrial Tribunal Cum Labour Court, Chennai under Section 7-I of the EPF and MP Act on 11.06.2025 within the prescribed period of limitation. The said appeal is now pending as Appeal Sr.No.262 of 2025.

4. To the shock and surprise of the petitioner, a Notice of Demand dated 25.06.2025 seeking payment of dues prior to the attachment of movable and immovable properties was issued by the 2nd respondent on 28.06.2025. According to the petitioner, issuance of such a demand notice, during the pendency of the appeal, is illegal and contrary to the settled principles of law.



W.P.No.28066 of 2025

WEB COPY

5. Heard the learned counsels on either side and perused the materials available on record.

6. It is an admitted fact that the appeal filed by the petitioner is pending before the authority and a stay petition has also been filed and awaits a decision. It is at this juncture that the recovery certificate has been issued.

7. Considering the facts and circumstances of the above case, this Writ Petition is therefore disposed of with the following directions:

a) The Tribunal before whom the appeal has been filed and is pending shall endeavour to number the same within a period of two weeks from the date of receipt of a copy of this order and the stay petition shall be disposed of within a period of two weeks therefrom.



WEB COPY



W.P.No.28066 of 2025

b) Till such time, the impugned order dated
25.06.2025 shall be kept in abeyance.

30.07.2025

srn

To

- 1.The Regional Provident Fund Commissioner-II,
Regional Office, EPFO,
Salem-636 302.
- 2.The Recovery Officer,
Regional Office, EPFO,
Salem-636 302.



WEB COPY



W.P.No.28066 of 2025

P.T.ASHA, J.,

srn

W.P.No.28066 of 2025
and
W.M.P.Nos.31475 and 31477 of 2025



WEB COPY



W.P.No.28066 of 2025

30.07.2025