



W.P.No.33574 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33574 of 2023

&

W.M.P.Nos. 33386 & 33387 of 2023

East Coast Constructions and Industries Ltd.,

No.4, Moores Road, Buharia Building

Nungambakkam

Chennai 600 006

Represented by its Managing Director

Mr.K.T.M.Ahamed Mustafa

...Petitioner

Vs.

The Assistant Provident Fund Commissioner (COMP)

Employees Provident Fund Organisation

Ministry of Labour and Employment

No.37, Royapettah High Road,

Chennai – 600 014.

...Respondent



W.P.No.33574 of 2023

WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the order dated 08.08.2023 passed in EPFA.No.433 of 2018 and quash the same as illegal and remand the matter back to the Employees Provident Fund Appellate Tribunal, Chennai for fresh adjudication.

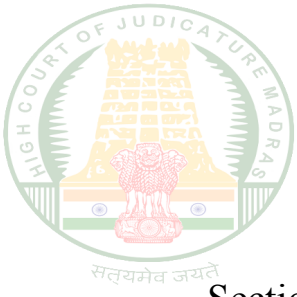
For Petitioner : Mr. P.J.Rishikesh

For Respondent : Mr. K.Venkatesan
Standing Counsel.

ORDER

The above Writ Petition is filed for the following relief:

“Calling for the records of the order dated 08.08.2023 passed in EPFA.No.433 of 2018 and quash the same as illegal and remand the matter back to the Employees Provident Fund Appellate Tribunal, Chennai for fresh adjudication”.



W.P.No.33574 of 2023

WEB COPY

2. The petitioner would submit that the entire amount due under Section 14 (B) has been paid and 50% of the amount towards damages under Section 7 (Q) has been paid.

3. The petitioner has also filed a waiver petition before the Appellate Authority. He would therefore plead that the matter may be remanded back to the Tribunal.

4. Since the waiver petition filed by the petitioner is pending before the authorities, the order passed in EPFA.No.433 of 2018 shall be kept in abeyance till such time as the petitioner obtains an order in the waiver petition.

5. It is an admitted fact that the appeal filed by the petitioner has been dismissed only on the ground of limitation. In case the waiver petition is dismissed the petitioner is at liberty to revive the writ petition challenging the correctness of the order in EPFA.No.433 of 2018.



W.P.No.33574 of 2023

WEB COPY

6. The Writ Petition is disposed off with the above observations.

Consequently, the connected miscellaneous petitions are closed. No costs.

15.07.2025

Index : Yes/No

Internet : Yes/No

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W.P.No.33574 of 2023

To
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- 1.The Employees Provident Fund Appellate Tribunal,
Chennai.
- 2.The Assistant Provident Fund Commissioner (COMP)
Employees Provident Fund Organisation
Ministry of Labour and Employment
No.37, Royapettah High Road,
Chennai – 600 014.



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W.P.No.33574 of 2023

P.T. ASHA, J,

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W.P.No. 33574 of 2023

15.07.2025