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W.P.No.2385 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.2385 of 2025

and

W.M.P.No.2697 & 2698 of 2025

M/s. HI TEC VALVES,
Rep. by its Proprietor, Mr.A.Mohan Raj,
No. 10/3, 2nd Cross Street,
TASS Industrial Estate, Ambattur,
Chennai - 600 098.

... Petitioner

Vs

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Ambattur.
R-40. A-1, TNHB Shopping cum Office Complex,
Mogappair Road, Mogappair East,
Chennai - 600 037.
2. The Recovery Officer and
Regional Provident Fund Commissioner -II,
Employees Provident Fund Organization,
Regional Office, Ambattur.
R-40. A-1, TNHB Shopping cum Office Complex,
Mogappair Road, Mogappair East,
Chennai - 600 037.



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3. The Registrar,
Central Industrial Tribunal – Cum Labour Court,
Shasthri Bahavan Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in TN/RO/AMB/RECOVERY/Area -2/48950/RRC-9796/2024 dated 11/11/2024 and quash the same as illegal and direct the third respondent Tribunal dispose the petitioner Appeal in E.P.F.A.No. 64 of 2024 within stipulated time in which fixed by this Court.

For Petitioner : Mr.Andrew Vivek

For R1 & R2 : Mr.K.Venkatesan

ORDER

This writ petition is filed challenging the impugned order of the second respondent bearing reference No. TN/RO/AMB/RECOVERY/Area -2 /48950/RRC-9796/2024 dated 11.11.2024.

2. It can be seen that the proceedings that are challenged is an order of attachment of immovable property passed under Section 8C(1) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The



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amount due was already determined by an order dated 25.08.2023 by way of proceedings under Section 7A of the Act. A total sum of Rs.50,65,229/- was determined and after adjusting the amount already paid, a sum of Rs.49,60,463/- was found to be due. Out of the said amount, some amount has been recovered and it is stated in the impugned order that further arrears to the tune of Rs.39,59,206/- remain.

3. When the matter came up for hearing, the learned counsel appearing on behalf of the petitioner as well as the learned counsel appearing on behalf of the respondent made it clear that after the writ petition was filed, the appeal had been dismissed as not maintainable, since it was filed beyond the period of limitation. Thus, once the determination has become final, no exception whatsoever can be taken to the impugned order of attachment of immovable property.

4. The learned counsel appearing on behalf of the respondent rightly opposed the very maintainability of the writ petition. Therefore, the only relief this Court can grant is that, when the petitioner concern is expressing



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some difficulty with reference to immediate payment, the writ petition is disposed on the following terms:-

(i) The impugned order of attachment of immovable property bearing reference No. TN/RO/AMB/RECOVERY /Area -2/48950/RRC-9796/2024, dated 11.11.2024 shall be intact.

(ii) The petitioner is permitted to pay the arrears of Rs.39,59,206/- in 15 equal monthly instalments starting from the month of February 2025.

(iii) If the petitioner pays the monthly instalments without any default, then further proceedings pursuant to the order of attachment shall be kept in abeyance. If the petitioner defaults in the payment of even a single monthly instalment, the respondent shall be at liberty to proceed with further actions pursuant to the impugned attachment by way of sale of immovable property etc., and to realise the same in accordance with law.

(iv) No costs. Consequently, connected miscellaneous petitions are also closed.

27.01.2025

Neutral Citation: Yes/No



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To

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D.BHARATHA CHAKRAVARTHY, J.

ns1

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