



W.P.(MD) No.6555 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6555 of 2025

and

W.M.P.(MD) No.4828 of 2025

M/s.BVV Paper Industries Pvt. Ltd.,
Rep. By its Director,
Mr.Sharad Khandelwal,
No.148, Palani Road,
Venkatesa Mills Post,
Udumalpet, Tiruppur District – 642 128.

... Petitioner

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam, Madurai - 625 002.

2. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
No.1, Lady Doak College Road,
Chokkikulam,
Madurai - 625 002.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent in Ref. No. MD/MDU/RO/RECY/29029/2016 dated 26.04.2016 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.P.Karthick

ORDER

This writ petition has been filed seeking a Writ of Certiorari, calling for the records of the respondents in Ref. No. MD/MDU/RO/RECY/29029/2016 dated 26.04.2016 and to quash the same.

2. As the impugned order itself is of the year 2016 and subsequent thereto, the learned National Company Law Tribunal, Division Bench – I, Chennai, passed an order dated 30.05.2022, this Court entertained a doubt as to how, the respondents can take further steps, pursuant to the impugned order dated 26.04.2016 and accordingly, directed the respondents to file counter affidavit.



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3. Today, counter affidavit is filed by the respondents contending that the respondents have not taken any steps pursuant to the impugned order and it is only on mere apprehension, the present Writ Petition has been filed. The relevant paragraph from the counter affidavit filed by the respondents reads as under:

“(e) The ground in point (e) that the respondent is taking coercive steps to recover the damages from the petitioner by virtue of the order passed by the Hon'ble Tribunal is denied as false. In this regard, it is humbly submitted that the appeal filed by the respondent before the National Company Law Appellate Tribunal, Chennai in Company Appeal AT Ins No.302 of 2022 and the same is pending. Therefore, the apprehension of the petitioner is unfounded and baseless and, in any way, the respondent cannot be precluded, pre-empted, permanently injuncted from proceeding with the matter subject to the outcome of the pending appeal.”

4. In the light of the above, it is evident that there is no cause of action for the petitioner to file the present Writ Petition and accordingly, this Writ Petition is disposed of duly placing on record the stand of the



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respondents. Consequently, connected miscellaneous petition is closed.

There shall be no order as to costs.

24.04.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

vsm



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To

The Assistant Commissioner of Labour (Gratuity),
O/o. Deputy Commissioner of Labour,
Tiruchirappalli-20.



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MUMMINENI SUDHEER KUMAR, J.

vsm

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24.04.2025