



W.P.(MD)No.7824 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.7824 of 2025

and

W.M.P.(MD)Nos.5919, 5920 & 5923 of 2025

M/s. Hotel Sea View,
Represented by its Proprietor M.Chandran,
2/17, E Car Street,
Kanniyakumari,
Tamil Nadu - 629702.

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
65-A, Water Tank Road,
Nagercoil – 629 001.

2.The Branch Manager,
State Bank of India,
Vivekanandapuram Branch Cape Rod,
Kanyakumari District,
Tamil Nadu – 629 702.



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3.The Branch Manager,
HDFC Bank Ltd.,
No.56, Doss Son Building,
East of Tower Tower Junction Kanyakumari,
Tamil Nadu – 629 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to impugned order passed by the respondent No.1 in order No.MD/NKL/55115/PDC-C/34/14B proceedings/2024 dated 10.12.2024 and quash the same

For Petitioner : Mr.GR.Balakumar

For Respondents : Mr.Mahaboob Athif for R1
Mr.V.Balasubramanian for R2
Mr.Chevanan Mohan for
M/s.King & Partridge for R3

ORDER

This Writ Petition has been filed aggrieved by an order dated 10.12.2024 passed under Section 14B of “the Employees' Provident Funds and Miscellaneous Provisions Act, 1952” (hereinafter referred to as “the Act, 1952”).



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2. This Court, having taken note of the over all facts and circumstances of the case, passed an interim order dated 19.03.2025, permitting the petitioner to avail the remedy of appeal available under Section 7-I of the Act, 1952 within a period of three weeks from the date of the said order. While permitting the petitioner to avail the remedy of the appeal, this Court has also granted interim stay, having taken note of the fact that the amounts that were claimed against the petitioner under Section 7Q of the Act, 1952 were already recovered and further a sum of Rs.5,13,660.18 paise was also recovered towards the dues under the impugned order out of the total amount of Rs.12,35,508/-

3. Today, it is brought to the notice of this Court that the petitioner herein have already availed the remedy of appeal by filing the same before the Central Government Industrial Tribunal, Chennai on 07.04.2025 and the same is yet to be taken up for consideration for want of Presiding Officer manning the said Tribunal. As the petitioner has already availed the remedy of appeal, this Court does not see any reason to the keep the Writ Petition pending and accordingly, this Writ Petition is disposed of permitting the petitioner to pursue



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the appeal already filed before the Central Government Industrial Tribunal against the impugned order herein. The interim stay already granted by this Court shall continue till the disposal of the stay application filed by the petitioner in the appeal filed before the Central Government Industrial Tribunal against the impugned order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

16.04.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm



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To

The Assistant Provident Fund Commissioner,
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MUMMINENI SUDHEER KUMAR, J.

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