



W.P.(MD)No.14102 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.05.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD) No.14102 of 2025
and
W.M.P.(MD) No.10223 of 2025

JTVS Polymers and PVC Pipes,

rep by its Proprietor,

Jeyaseelan

S/o. Thankaraj, 5/187,

Fair Mount, Kanjampuram,

Vilavancode Taluk,

Kanniyakumari District.

... Petitioner

/Vs./

1.The Regional Provident Fund Commissioner II,
The Employees Provident Fund Organization,
Regional Office,
65A Water Tank Road,
Nagercoil,
Kanniyakumari District.

2.The Recovery Officer,
The Employees Provident Fund Organization,
Regional Office,
65A Water Tank Road,
Nagercoil, Kanniyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from initiating recovery proceedings under section 8B to 8G of the Employees Provident Fund and Miscellaneous Provision Act 1952 against the petitioner establishment pursuant the order passed by the 1st respondent in case diary No.54/2024 dated 26.03.2024 in a hasty manner before the completion of appeal period.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.M.Mahaboob Athiff
Standing Counsel

ORDER

Heard Mr.K.P.Narayanakumar, learned counsel for the petitioner and Mr.M.Mahaboob Athiff, learned standing counsel for the respondents.

2.The grievance of the petitioner is that the second respondent is proceeding to initiate recovery proceedings against the petitioner before even the appeal time, which is available under the statute, has lapsed.



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3.Mr.M.Mahaboob Athiff, learned Standing Counsel for the respondents would fairly submit that the Bombay High Court in similar circumstances has held that the Provident Commissioner should not take coercive steps for a period of 60 days from the date of the order and that the Hon'ble Supreme Court also subsequently confirmed the order of the Bombay High Court.

4.In view of the above, I direct that the second respondent shall not take any coercive steps till statutory appeal time period lapses, ie., up to 29.05.2025, considering the fact that the petitioner has been served with the impugned order on 29.03.2025 (not 26.03.2024, wrongly typed in the prayer column of the writ petition).

5.This Writ Petition is disposed of with the above directions. It is made clear that in the event of the petitioner not obtaining any interim orders in the statutory appeal proposed to be preferred by the petitioner, it shall be open to the second respondent to proceed with the recovery proceedings.



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WEB COPY No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
mm

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P.B. BALAJI, J.

mm

Order made in
W.P.(MD)No.14102 of 2025

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