



W.P.(MD)No.18563 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

**W.P.(MD)No.18563 of 2019
and W.M.P.(MD)Nos.14948 & 14949 of 2019
and 11822 of 2022**

Good Will Team Papers Ltd.,
Rep. by its Managing Director,
P.Rajendran, Team Garden,
Uthappanaickanur,
Usilampatti Taluk,
Madurai District.

... Petitioner

Vs.

1.The Asistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office No.1, Lady Doak College Road,
Chokkikulam, Madurai.

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

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the First Respondent in reference No.TN/RO/MDU/42918/PDC/ SPL/14B 2018, dated 24.10.2018 for claiming a sum of Rs.85,523/- from the petitioner and quash the same and consequently direct the 2nd respondent not to take any coercive action and to issue such other appropriate directions or orders to the first and second respondent and grant such other remedy and relief to this petitioner.

For Petitioner : Mr.C.Arunachalam

For Respondents : Mr.John Xavier

ORDER

This Writ Petition has been filed against an order dated 24.10.2018, vide proceedings No.TN/RO/MDU/42918/PDC/ SPL/14B 2018 passed by the respondent No.1 under Section 14B of the “Employees' Provident Funds And Miscellaneous Provisions Act, 1952”, (hereinafter referred to as “Act 1952”) whereby an amount of Rs.85,523/- was debited as damages against the petitioner.



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2. Against the order dated 24.10.2018, passed under Section 14B of the Act, 1952, the petitioner has an effective alternative remedy of appeal before the appellate Tribunal under Section 7(I) of the Act 1952. But, the petitioner, instead of availing the said alternative remedy, approached this Court, by filing the present Writ Petition, challenging the order dated 24.10.2018, solely on the ground that the impugned order was not served on the petitioner, though addressed to the factory premises of the petitioner, as the possession of the said premises was taken over by the creditor bank under the provisions of the SARFAESI Act and the petitioner came to know about the impugned order only on 10.07.2019, when the attachment notice was issued by the second respondent proposing to recover the amounts due under the impugned order. In view of the same, the petitioner straight away approached this Court as the period of limitation prescribed under Section 7(I) of the Act 1952, has elapsed by then.

3. This Court, while entertaining the Writ Petition, passed an interim order dated 28.08.2019, directing the maintenance of *status quo*. The said interim order is still in force and as the same is in operation, the respondents



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could not proceed further to recover the amounts. As all the issues that are raised for consideration before this Court are all pertaining to factual disputes, this Court is not inclined to entertain this Writ Petition against the impugned order. However, this Court deems it appropriate to allow the petitioner to avail the remedy of appeal provided under Section 7(I) of the Act, 1952 against the impugned order, by enlarging the limitation prescribed under the said provision, considering the fact that the impugned order was not served on the petitioner immediately after the said order was passed.

4. In the light of the above, this Writ Petition is dismissed granting liberty to the petitioner to avail the remedy of appeal under Section 7(I) of the Act, 1952 before the appellate Tribunal against the impugned order within a period of three weeks from the date of receipt of a copy of this order. In case, if the petitioner files any such appeal against the impugned order, within the time stipulated above, the same shall be entertained by the appellate Tribunal without reference to the period of limitation prescribed under Section 7(I) of the Act, 1952 read with Rules. The interim order granted by this Court shall be in



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operation for further period of four weeks from today. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

04.04.2025

Neutral Citation: Yes / No

Index : Yes / No

vsm

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