



W.P.(MD)Nos.8186 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.8186 of 2018
and W.M.P.(MD)No.7737 of 2018

M/s.R.S.740 Mutharasan Primary
Agricultural Co-Operative Credit Society,
Represented through its Secretary,
Mutharasan Post, Sivagangai District 630 559.

... Petitioner

Vs.

1.The Registrar,
Industrial Tribunal Cum Labour Court,
EPF Tribunal,
No.26, Haddows Road 1st Floor,
Sastri Bavan, Nungambakkam,
Chennai 6.

2.The Recovery Officer,
Employees Provident Fund Regional Office,
Lady Doak College Road, Chokkikulam,
Madurai 5.

... Respondents



W.P.(MD)Nos.8186 of 2018

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned orders passed by the 2nd respondent made in No.MD/MDU/29025/RECY/C16/2018 dated 09.01.2018 and quash the same.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.R.Ravikumar for R2
R1 - Tribunal

ORDER

This Writ Petition has been filed aggrieved by the proceeding bearing No.MD/MDU/29025/RECY/C16/2018 dated 09.01.2018, whereby, the property mentioned therein was attached for recovery of interest amount payable by the petitioner under Section 7Q of the “Employees' Provident Funds and Miscellaneous Provisions Act, 1952” (hereinafter referred to as 'the said Act').



W.P.(MD)Nos.8186 of 2018

WEB COPY

2. The main ground on which, the said proceeding was challenged is that the petitioner has already filed an appeal against the orders passed under Section 14B of the said Act before the appellate Tribunal vide ATA No.616(13)/2014. The learned Tribunal has been pleased to grant interim stay by an order dated 22.07.2014 and the said appeal is stated to be still pending and interim stay is operating. Thus, in spite of the stay granted by the learned appellate Tribunal, the 2nd respondent issued the impugned proceedings proposing to recover the interest from the petitioner by ordering attachment of the immovable property of the petitioner.

3. The second respondent has filed a counter affidavit conceding about the interim stay granted by the appellate Tribunal as contended by the learned counsel for the petitioner and also stating that the respondent No.2, having come to know about the interim stay, has already issued a corrigendum dated 15.02.2018, duly excluding the amount of Rs.2,18,330/- from the purview of the impugned attachment and the respondents are only intending to proceed against



W.P.(MD)Nos.8186 of 2018

WEB COPY

the recovery of other amounts pursuant to the impugned attachment, but not in respect of the amount covered by the interim stay granted by the learned appellate Tribunal. The relevant paragraph from the counter affidavit reads as follows:

“13. It is submitted that while issuing the said attachment order, the amount of Rs.2,18,330/- the damages for the period 03/2002 to 02/2011, the recovery of which has been stayed by the EPFAT, New Delhi vide an interim order passed in ATA No. 616(13)/2014, has been inadvertently included. Thereafter, a corrigendum dated 15.02.2018 has been issued for the amount of Rs. 2,50,833/- duly excluding the amount of Rs.2,18,330/-. There is no legal bar in recovery the amount of Rs.2,50,833/- as mentioned in the corrigendum.”

In the light of the above, the sole ground on which the impugned attachment is sought to be questioned is no more available.



W.P.(MD)Nos.8186 of 2018

WEB COPY

4. In the light of the above, taking into consideration of the corrigendum dated 15.02.2018 issued by the respondent No.2, this Court is of the considered view that the cause in the Writ Petition does not survive and accordingly, this Writ Petition is dismissed.

5. At this stage, the learned counsel for the petitioner made a request to permit the petitioner to pay the due amounts in instalments. However, this Court is not inclined to consider the same. However, it is left open to the petitioner to approach the respondents making such a request and in case if any such request is made, respondent No.2 shall consider the same in accordance with law. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

13.02.2025

Neutral Citation: Yes / No

Page 5 of 7



W.P.(MD)Nos.8186 of 2018

WEB COPY

Index : Yes / No

vsm

MUMMINENI SUDHEER KUMAR, J.

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W.P.(MD)No.8186 of 2018



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W.P.(MD)Nos.8186 of 2018

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