



W.P.(MD) No.8228 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8228 of 2017

and

W.M.P.(MD) Nos.6324 & 6325 of 2017

M/s.Shri Renuga Soft-X
Towels Ltd., (Unit-I)
Mariamman Koilpatti
Theni
rep.by its Managing Director
R.N.Jegadeesan

... Petitioner

-VS-

- 1.The Employees Provident Fund
Appellate Tribunal (Bengaluru)
No.62, 3rd Cross, Industrial Suburb
Yeshwantpur, 2nd Stage
Bangalore
- 2.The Assistant Provident
Fund Commissioner
Employees' Provident Fund Organization
Regional Office, Lady Doak College Road
Chokkikulam, Madurai
Tamil Nadu



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3.The Recovery Officer
Employees' Provident Fund Organization
Regional Office
Lady Doak College Road
Chokkikulam
Madurai
Tamil Nadu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records in TN/RO/MDU/29135/RO/Circle M3/PDC/LD/2014, passed by the second respondent, dated 08.04.2014 and quash the same as illegal and set aside its consequential order dated 08.05.2015 in RRC No.MDMDU 1902/0029135/22/04/2015/501/35, passed by the third respondent.

For Petitioner : No appearance

For Respondents : No appearance for R1
Mr.K.Murali Sankar for R2 & R3

ORDER

Though this writ petition has been filed by the petitioner – Establishment questioning the order dated 08.04.2014, passed by the second respondent, under Section 14B of the Employees' Provident Funds and



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Miscellaneous Provisions Act, 1952 (in short, “the Act, 1952”) and the consequential notice dated 08.05.2015, issued by the third respondent, from the perusal of the materials available on record, the petitioner filed an appeal in A/TN-12/2017, before the Appellate Tribunal / first respondent, under Section 7-I of the Act, 1952” and the first respondent, by an order dated 23.03.2017, has refused to entertain the appeal filed by them, on the ground that the said appeal was filed beyond the period of limitation and also beyond the period of sixty days after expiry of the limitation period. Thus, the Appellate Tribunal came to the conclusion that the appeal filed by the petitioner – Establishment under Section 7-I of the Act, 1952, against the order passed under Section 14B of the Act, 1952, cannot be entertained beyond the period of 120 days from the date of passing of the order under Section 14B of the Act, 1952.

2. It is now settled legal position that the Appellate Tribunal, under Section 7-I of the Act, 1952, is conferred power to condone the delay only upto sixty days and not beyond that. If that be the case, the Appellate Tribunal lacks jurisdiction to entertain the appeal filed after a lapse of 120 days from the date of passing of the order under Section 14B of the Act, 1952. As there is no dispute on the factual aspects of the matter, this Court is



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unable to find any error or illegality in not entertaining the appeal by the learned Appellate Tribunal. Thus, the petitioner, having allowed the order dated 08.04.2014 to attain finality by not filing appeal within time, and without challenging the order passed by the appellate authority, cannot maintain a writ petition against the order dated 08.04.2014 and the consequential order dated 08.05.2015.

3. Be that as it may, when this matter came up for consideration on the earlier occasion, learned counsel, who was on record for the petitioner, submitted that the petitioner – Establishment has been liquidated and a Liquidator has been appointed. In view of the same, this Court, by an order dated 22.10.2024, directed the Registry to print the name of the petitioner in the cause list. Pursuant to the said direction, this matter was listed yesterday i.e., 19.03.2025 by printing the name of the petitioner in the cause list. However, there was no representation on behalf of the petitioner and hence, it was directed to be posted today under the caption “for dismissal”. Accordingly, this matter is listed today under the caption “for dismissal” by printing the name of the petitioner in the cause list.



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4. Even today, there is no representation on behalf of the petitioner. Thus, this writ petition is also liable to be dismissed for non-prosecution.

5. In the light of the above, this Court does not find any merit in this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

(3/3)

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

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MUMMINENI SUDHEER KUMAR, J.

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