



W.P.(MD)No.8430 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.8430 of 2017
and W.M.P.(MD)No.6428 of 2017

A.2955 The Misereor Co-Operative
Spinning Mills Ltd,
Thoppur Post, Madurai,
Madurai District,
Rep. by its Handloom Officer/
Liquidator (Incharge)

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization
Regional Office - Lady Doak College Road,
Chokkikulam, Madurai 625 002.

2.The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office - Lady Doak College Road,
Chokkikulam, Madurai 625 002.

... Respondents



W.P.(MD)No.8430 of 2017

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent passed in No.TN/RO/MDU/11940/M4/PDC/LD/2015 dated 12.03.2015 for a sum of Rs. 2,44,256/- and in No.TN/11340/M4/7Q/PDC/MDU/15 dated ..3.2015 signed on 13.4.2015 for a sum of Rs.1,24,791/- under Sections 14B and 7Q of the EPF Act, respectively and 8F order passed in No.E.P.F.C.P.16 No.TN/MDU/11940/Recy/CP16/2017 dated 09.03.2017 and to quash the same and to direct the 2nd respondent not to attach the properties.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.R.Ravikumar

ORDER

This Writ Petition has been filed seeking Certiorarified Mandamus to call for the records pertaining to the impugned orders dated 12.03.2015 and 13.04.2015 passed under Sections 14B and 7Q of the The Employees' Provident Funds and Miscellaneous Provisions Act, 1952, mainly contending that the said



W.P.(MD)No.8430 of 2017

WEB COPY

amounts demanded through the impugned proceedings for the month of May 1999 were already paid by the petitioner as early as in the year 2013 itself.

2. It is the specific case of the petitioner that the entire dues together with damages and interest for the period from March 1996 to February 2000 was subject matter of a demand made by the respondents on an earlier occasion and the same was also subject matter of litigation before this Court in W.A.(MD)No. 230 of 2011 and in terms of the order dated 07.03.2014 passed in the said Writ Appeal, the petitioner has remitted the entire amounts due towards interest and damages to the tune of Rs.7,84,958.42P through a letter dated 27.09.2013 and also paid an amount of Rs.9,40,497/- by way of Tamil Nadu State Co-operative Bank Cheque on 12.02.2015. It was pursuant to the said letter dated 12.02.2015 addressed by the Liquidator to the respondents Commissioner, the attachment also stated to have been lifted.

3. Having taken notice of the above specific contention raised by the learned counsel for the petitioner, the learned Standing Counsel appearing for



W.P.(MD)No.8430 of 2017

WEB COPY

the respondents Organisation submitted that the petitioner has already paid the entire contribution dues as well as interest and insofar as the claim of the petitioner in connection with payment of damages in terms of the order dated 07.03.2014 passed in W.A.(MD)No.230 of 2011 is concerned, the respondents are unable to verify the same as the issue is pertaining to the period prior to 2003 and therefore, not in a position to answer the same. In the light of the specific contention raised and failure on the part of the respondents to contradict the same or deny the same, this Court is left with no other option, except to accept the contention of the petitioner as noted hereinabove.

4. In the light of the above and also the admitted fact that the petitioner has admittedly paid all the dues except for the month of May 1999 and the failure on the part of the respondents to affirmatively assert that the petitioner failed to pay dues for the month of May 1999, this Court is of the considered view that the impugned proceedings cannot be sustained.



W.P.(MD)No.8430 of 2017

WEB COPY 5. Accordingly, the impugned proceedings are quashed and the Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.02.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm

To

- 1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization
Regional Office - Lady Doak College Road,
Chokkikulam, Madurai 625 002.
- 2.The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office - Lady Doak College Road,
Chokkikulam, Madurai 625 002.



WEB COPY



W.P.(MD)No.8430 of 2017

MUMMINENI SUDHEER KUMAR, J.

vsm

W.P.(MD)No.8430 of 2017

24.02.2025

Page 6 of 6