



WEB COPY

WP No. 50587 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 50587 of 2025

and

WMP Nos. 56640 & 56642 of 2025

M/s.GNP Contractors,
Rep. by its Partner Arulraj,
S/o.Ravi, SF No.315B 2K,
Perumagoundampalayam Pirivu,
Ichipatty, Karanampettai,
Tiruppur-641 401.

Petitioner

Vs

1. The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore-18.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore-18.

3.The Enforcement Officer,
Employees Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore-18.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records of second respondent dated 07.10.2024 in CB/CBE/72241/PDC/CC-16/14B PROCEEDINGS/E-Court Dairy No.87 of 2024/2024-25 and consequent order passed by first respondent No.TN/RO/CBE/PDC/CC 16/72241/8F (Revised)/14B and 7Q/2024 dated 03.03.2025 and show cause notice dated 04.09.2025 in



CB/CBE/EO/RECOVERY/72241/2025 issued by third respondent and to quash the same and to direct the first respondent to waive the damages and interest on basis of waiver requisition letter dated 10.10.2025 by the petitioner.

For Petitioner: Mr.M.Saravanakumar

For Respondents: Mr.R.Sreedhar

ORDER

The writ petition challenges the impugned order dated 07.10.2024, which is an order passed under Section 14-B of the Act levying damages on the petitioner. The petitioner also challenges the further proceedings taken for recovery.

2. It can be seen that the order imposing damages was passed on 07.10.2024 itself. As such, the petitioner ought to have filed an appeal within a period of 60 days and the condonable period of another 60 days has also expired. It is settled law that when such orders are subject to a statutory regime, the power under Article 226 of the Constitution of India cannot be invoked merely because the party has lost limitation.

4. Alternatively, the learned counsel for the petitioner submits that the petitioner has a right to approach the authorities seeking waiver of damages by placing before them the special circumstances of the petitioner.



5. In view thereof, while the prayer made in the writ petition cannot be countenanced, liberty is granted to the petitioner to make a representation to the respondent authorities with a prayer to waive the damages. The same shall be considered by the respondent authorities in the manner known to law. As and when such a representation is made, within one week from the date of receipt of a web copy of this order, the same shall be considered and appropriate orders shall be passed within eight weeks from the date of receipt of the representation.

6. The writ petition stands *disposed of* with the above observations. Consequently, connected miscellaneous petition is closed. No costs.

07-01-2026

Neutral Citation: Yes/No

ns1

To

1. The Regional Provident Fund Commissioner-II,
Employees Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore-18.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Dr.Balasundaram Road, Coimbatore-18.

3.The Enforcement Officer,
Employees Provident Fund Organisation,



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Dr.Balasundaram Road, Coimbatore-18.

D.BHARATHA CHAKRAVARTHY J.

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