



W.P.(MD)No.7136 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.7136 of 2026

and

W.M.P.(MD)Nos.5844 and 5845 of 2026

M/s.Sri Jayavilas Subburaj Spinning Mills (P) Ltd,
Thiruchuli (Tk),
Aruppukottai,
Virudhunagar - 626 129.

... Petitioner

-vs-

1.The Employees Provident Fund,
Appellate Tribunal,
Bengaluru Branch,
Bengaluru.

2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Ladydoak College Road,
Chokkikulam, Madurai - 625 002.
Tamil Nadu.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to order passed in M.P.No.106/2025 in EPFA No.278/2018 dated 26.12.2025 on the file of the first respondent and quash the same.



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For Petitioner : Mr.V.O.S.Kalaiselvam

For R2 : Mr.A.Sivasubramanian
Standing Counsel

ORDER

The Writ Petition has been filed challenging the impugned order dated 26.12.2025, whereby the application filed by the petitioner in M.P.No.106 of 2025, seeking restoration of the appeal in E.P.F.A.No.278 of 2018, came to be rejected.

2. The learned counsel for the petitioner submits that, in fact, the entire amount has already been realized and that the petitioner has substantial grounds to be urged in the appeal. It is further submitted that the appeal was originally dismissed without proper intimation to the petitioner, and thereafter, the restoration petition also came to be rejected. According to the learned counsel, the hearing was fixed by merely affixing notice on the Notice Board on the same morning, and the matter was dismissed for default. It is contended that the default was neither wilful nor wanton.



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3. Per contra, the learned Standing Counsel appearing for the second respondent supports the impugned order, contending that only an internet extract has been produced before this Court. It is further submitted that when the petitioner failed to appear, particularly, in respect of a restoration application, the Tribunal was justified in dismissing the same.

4. I have considered the rival submissions and perused the materials available on record.

5. Considering the submission that the appeal had already been filed and that the petitioner has raised certain defences and along with the restoration petition, written arguments relating to the main appeal have also been filed, this Court is of the view that one more opportunity ought to be granted to the petitioner to prosecute the appeal on merits.

6. In view of the above, the impugned order dated 26.12.2025 passed in M.P.No.106 of 2025 is set aside. Consequently, M.P.No.106 of 2025 stands allowed, and the appeal in E.P.F.A.No.278 of 2018 is restored to the file of the



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first respondent Tribunal. It is made clear that the petitioner shall diligently prosecute the matter and, as and when the appeal is listed, shall be present before the Tribunal without fail and argue the case. No further notice of hearing shall be issued to the petitioner. The appeal shall be considered on its own merits and disposed of in accordance with law.

7. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

17.03.2026

Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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