



WEB COPY



WP. 37207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-12-2024**

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

WP. 37207 of 2024

AND

WMP. 40213 OF 2024

M/S.DEVI INNOVENTURES LLP
(FORMERLY KNOWN AS M/S.MOHAN BREWERIES
AND DISTILLERIES LTD), NEAR PIPDIC
INDUSTRIAL ESTATE, METTUPALAYAM,
PONDICHERRY 605009. REP. BY ITS GENERAL
MANGER

PETITIONER(S)

Vs

THE REGIONAL PROVIDENT FUND COMMISSIONER
II
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, 101, 100 FEET ROAD, SREE
VENNI COMMERCIAL COMPLEX, CHOLLAN
NAGAR, OLANDAIKEERAPALAYAM, PUDUCHERRY
605004.

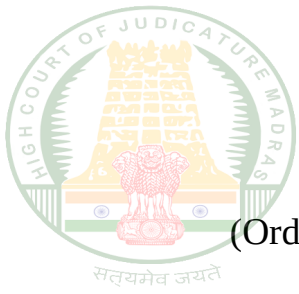
RESPONDENT(S)

For Petitioner(s):

MR.G.ANANDA KRISHNAN

For Respondent(s):

MR.P.K.PANEERSELVAM



ORDER

(Order of the Court was made by the Hon'ble D.Bharatha Chakravarthy J)

WEB COPY

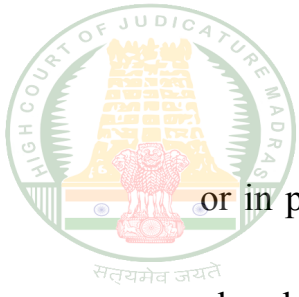
Issue notice of motion returnable by 03.01.2025.

2. *Mr.P.K.Paneerselvam*, learned Counsel takes notice for the respondent.

3. Learned Counsel for the petitioner, would submit that in this case, in the original order passed by the authority, it is stated as if the authority has no power at all to waive or reduce the damages.

4. The Full Bench of this Court, in the judgment rendered in *Assistant Provident Fund Commissioner, Coimbatore Vs. M/s.Dharmasastha Mat.Hr.Sec. School, Coimbatore and Ors.* (W.A.No.1435 of 2013, dated 27.06.2023, held that the authorities have the discretionary power to reduce or waive the damages.

5. The Tribunal also did not consider and went into the question as if the liability is admitted. In this case, the employer has admitted the liability and paid the amounts belatedly. However, it is only pleading the mitigating circumstances so that the delay be condoned and the waiver be granted in full



or in part. It is also submitted by the learned Counsel for the petitioner that already, a sum of Rs.10,00,000/- has since been deposited in compliance of the conditional order.

6. In view thereof, let there shall be an order of interim stay till 03.01.2025.

7. Post this matter on 03.01.2025.

(D.BHARATHA CHAKRAVARTHY J.)
06-12-2024

grs