



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 28755 OF 2025 (L-PF)

BETWEEN:

1. THE DUSTERS,
AN ERSTWHILE SOLE PROPRIETORSHIP CONCERN,
HAVING HAD ITS OFFICE
EARLIER AT 32, 2ND FLOOR,
K. R. COLONY, DOMLUR LAYOUT,
BENGALURU 560 071,
REPRESENTED BY ITS
ERSTWHILE PROPRIETOR,
MR. SHAMSHER PURI.
2. DUSTERS TOTAL SOLUTIONS SERVICES (P) LTD.,
A PRIVATE LIMITED COMPANY HAVING ITS OFFICE
AT 332/1, CORPORATE MILLER, 3RD FLOOR,
THIMMAIAH ROAD, VASANTH NAGAR,
BENGALURU - 560 052,
REPRESENTED BY ITS AUTHORISED SIGNATORY,
MR. SHAMSHER PURI,
REGISTRAR OF COMPANIES 1956.
3. MR. SHAMSHER PURI,
S/O COL K.P. PURI,
AGED ABOUT 55 YEARS,
HAVING OFFICE AT 332/1,
CORPORATE MILLER, 3RD FLOOR,
THIMMAIAH ROAD, VASANTH NAGAR,
BENGALURU - 560 052.

...PETITIONERS

(BY SMT NEHA A, ADVOCATE FOR
SRI I S DEVAIAH, ADVOCATE)

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



AND:

1. THE REGIONAL PROVIDENT
FUND COMMISSIONER AND
RECOVERY OFFICER
THE REGIONAL PROVIDENT
FUND COMMISSIONER AND RECOVERY OFFICER,
BHAVISHYANIDHI BHAVAN, NO.13,
RAJARAM MOHAN ROY ROAD,
BENGALURU - 560 025.
2. ASSISTANT P F COMMISSIONER
AND RECOVERY OFFICER,
BHAVISHYANIDHI BHAVAN, NO.13,
RAJARAM MOHAN ROY ROAD,
BENGALURU 560025.

...RESPONDENTS

(BY SMT NANDITA D HALDIPUR, ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 04.08.2025 PASSED BY THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BENGALURU (ANNEXURE-B) IN DFA 04/ 2024 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



ORAL ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents. This petition is filed challenging the order dated 04.08.2025 in D.F.A. No.04/2024 passed by the Central Government Industrial Tribunal, Bengaluru (for short 'CGIT').

2. In terms of the said order, the petitioners appeal under Section 7(i) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ('Act, 1952') is rejected.

3. The learned counsel appearing for the petitioners would submit that, initially the petitioners filed an appeal challenging the notice for recovery of dues alleged to be the dues under Section 14B of the Act, 1952. It is her contention that the Section 14B order was never served and never communicated to the petitioners and the CGIT raised objection on the premise that Section 14B order is required to be filed.



4. It is also the submission of the learned counsel for the petitioners that W.P. No.12052/2024 was filed challenging the notices issued under Sections 14B and 7Q of the Act, 1952. The writ petition was disposed of vide the order dated 29.11.2024 permitting the petitioners to file an appeal before the CGIT. The Writ Petition is disposed of noticing the submission of the learned counsel for the petitioners where a statement is made that petitioners had already filed before the CGIT.

5. Learned counsel for the petitioners would submit that the CGIT has dismissed the appeal on the premise that Section 14B order is not placed before the CGIT. It is submitted that in the appeal filed, the notices were challenged and Section 14B order was not yet communicated to the petitioners.

6. In this background, after receiving the Section 14B order the same was placed before the CGIT and the petitioners wanted to move an application to amend the prayer as well as raise additional grounds and the same



was not taken on record by the CGIT. The CGIT has dismissed the appeal on the premise that the appeal is time barred and application is not filed for condonation of delay.

7. Learned counsel appearing for the petitioners would submit that the appeal could not have been dismissed on the merits when the office objections are not cured and the petitioners were in the process of curing the office objections by filing the application for amendment of the petition as well as by producing the Section 14B order.

8. It is the further submission that the Section 14B order was not communicated and the limitation has to be computed from the date of the receipt of the order and not from the date of the order. Thus, she would urge that the petition has to be allowed.

9. Learned counsel for the respondents would submit that Section 14B order is communicated to the



petitioners and the CGIT is justified in dismissing the appeal which is not supported by the application for condonation of delay.

10. The Court has considered the contentions raised at the Bar and perused the records.

11. Since the contention is raised that the order passed by the authority under Section 14B is not communicated and since, a contention is also raised that the petitioners had moved an application for amending the appeal memo and same was not taken on record, and it is also urged that the appeal was still at the stage of compliance of office objections and appeal is dismissed on merits without hearing the petitioners, the Court is of the view that the impugned order has to be set-aside and the matter has to be referred back to the CGIT to enable the petitioners to file necessary application for amendment of the petition and to establish the contention that Section 14B order was not communicated.



12. At the same time, the respondents are also permitted to point out the materials to show that the Section 14B order was communicated and the appeal is not filed in time.

13. Assuming that the appeal is not in time, the petitioners are also permitted to file an application for condonation of delay within the permissible limit as prescribed under the Act, 1952.

14. Hence, the following:-

ORDER

- (i) Petition is ***allowed in part.***
- (ii) Without entering into the merits of the matter, keeping all contentions open, the impugned order is set-aside.
- (iii) The matter is remitted to the CGIT for fresh consideration.



- (iv) If an application, in case is filed for amendment of the appeal memo, the same shall be considered in accordance with law.
- (v) If the petitioners file an application seeking interim order before the CGIT, the same shall be considered in accordance with law.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 SI No.: 71