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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010408432026

+ **W.P.(C) 12641/2026 & CM APPL. 58569/2026**

SURENDER SINGH

.....Petitioner

Through: Mr. Prateek Rai, Mr. Ashutosh
Bhardwaj, Mr. Paras Chaubey,
Advocates (M:9696826029)

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Kamal Kant Jha, CGSC with Mr.
Rahul Kumar Sharma, Mr. Nikhil
Pandey, Ms. Aakriti, Advocates for
UOI (M:9811483833)
Mr. Siddharth, SC-EPFO with Ms.
Himanshi Girdhar, Mr. Deepanshu
Grover, Advocates for R-2
(M:9871534505)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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01.09.2026

1. The present petition has been filed under Article 226 of the Constitution of India for directions to respondent nos. 2 to 4 with regard to the Employees' Provident Fund ("EPF") amount due and payable to the petitioner for the period from 1993 to 2013.
2. There is further prayer for direction to the respondent nos. 2 to 4 to deposit or pay outstanding EPF to the petitioner.
3. The petitioner also prays for direction to the respondents to place on record the complete calculation sheet of the petitioner's EPF contribution for



his entire period of the service.

4. It is to be noted that under Section 7-A of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("EP&MP Act"), the provision for determination of monies due from an employer has been made.

5. Section 7-A of the said Act reads as under:

"7-A. Determination of moneys due from employers.—

(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner, or any Assistant Provident Fund Commissioner may, by order,—

(a) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute; and

(b) determine the amount due from any employer under any provision of this Act, the Scheme or the Pension. Scheme or the Insurance Scheme, as the case may be, and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary.

(2) The officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), for trying a suit in respect of the following matters, namely:—

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses,

and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860).



(3) *No order shall be made under sub-section (1), unless the employer concerned is given a reasonable opportunity of representing his case.*

(3A) *Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may decide the applicability of the Act or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record.*

(4) *Where an order under sub-section (1) is passed against an employer ex parte, he may, within three months from the date of communication of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show-cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry:*

Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show-cause notice if the officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the officer.

Explanation.— Where an appeal has been preferred under this Act against an order passed ex parte and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the ex parte order.

(5) *No order passed under this section shall be set aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.”*

(Emphasis Supplied)

6. Perusal of the aforesaid Section 7-A clearly shows that the Central



Provident Fund Commissioner or other Provident Fund Commissioner as name therein, have the authority to decide a case with regard to the dispute pertaining to the applicability of the EPF & MP Act, as well as to determine the amount due from any employer under any provision of the EPF & MP Act, the Employees' Provident Fund Scheme, 1952 ("EPF Scheme"), the pension scheme or insurance scheme as the case may be.

7. Further, the said Authority also has the power to conduct inquiry in this regard.

8. Accordingly, the present petition is not maintainable.

9. The petitioner is granted liberty to approach the appropriate Authority under EPF & MP Act for determination of the amounts due and payable to the petitioner.

10. Accordingly, the present petition is dismissed, along with pending application.

MINI PUSHKARNA, J

SEPTEMBER 1, 2026/au