

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.6943 OF 2015

ORDER:

Heard learned counsel for the petitioner and Sri R.N.Reddy, standing counsel for respondents.

The petitioner assails attachment order No.AP/52934/R.Cell/ PDPRC.No.01/ 2014 dated 09.03.2015, as illegal and arbitrary.

The 1st respondent issued proceeding No.AP/SRO/SID/PD/52934/2014/52 dated 23.04.2014 levying damages under Section 14-B and interest under Section 7Q of Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

The case of the petitioner is that the said order is appealable order. The appeal was filed along with an application to exempt the pre-deposit and also stay of impugned proceedings.

The appellate authority could not take up the application of petitioner either for grant of stay or dispensing with pre-deposit. While matters stood thus, the impugned attachment dated 09.03.2015 is effected. The learned counsel for the petitioner urged several contentions on the attachment order dated 09.03.2015 or against the proceedings dated 23.04.2014 to contend that on account of the absence of regular hearings before the appellate Tribunal, the matter could not be taken up and the petitioner has a *prima facie* and good case against the orders referred to above and prays for grant of stay of attachment order dated 09.03.2015.

Sri R.N.Reddy submits that the statutory appeal is pending. The mere filing of stay application cannot be treated as stay granted by the appellate authority. The petitioner ought to have paid amount demanded through proceeding dated 23.04.2014 and payment is subject to the result of appeal. The learned counsel

further submits that the attachment order is justifiable in the facts and circumstances of the case.

Admittedly, the appeal is pending before the appellate authority. The application filed by the petitioner could not be taken up as the officer presiding the authority is not appointed. The issuance of attachment order when the issue is pending before the appellate Tribunal is certainly causing prejudice to the petitioner. As the attachment is already issued, having regard to the facts and circumstances of the case, I consider it appropriate to grant stay of proceedings dated 23.04.2014 subject to the condition of the petitioner depositing a sum of Rs.2,00,000/- (Rupees two lakhs only) within a period of three weeks from today and the balance of Rs.4,50,000/- (Rupees four lakhs fifty thousand only) within a further period of six weeks. With the further payment of Rs.2,00,000/- (Rupees two lakhs only), the respondents are directed to issue appropriate orders recalling the attachment order dated 09.03.2015.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V.BHATT, J

Date:17.03.2015

Stp