

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.17900 of 2011
Date of Decision: April 27, 2015

M/s B.S.Metal & Steel Works, Jalandhar

...Petitioner

Versus

**Presiding Officer, Employees Provident Fund, Appellate Tribunal, New
Delhi & another**

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr.Vivek Salathia, Advocate,
for the petitioner.**

**Mr.Rajiv Sharma, Advocate,
for respondent No.2.**

AMIT RAWAL, J. (Oral)

The prayer made in the present writ petition is for quashing the order dated 9.6.2011 (Annexure P-1), whereby the appeal filed by the petitioner-firm under Section 7(1) of the Employees Provident Fund and Misc.Provisions Act, 1952 (for short “the Act”) against the order dated 25.3.2008 (Annexure P-2) passed by the Assistant Provident Fund Commissioner, has been dismissed and also for quashing the communication dated 9.8.2011 (Annexure P-6), vide which the petitioner firm had been directed to deposit the sum assessed by invoking the provisions of Section 14B of the Act.

Mr.Vivek Salathia, learned counsel appearing for the petitioner-firm contends that the demand raised by the respondent-corporation under Sections 7Q and 14B of the Act is not legal and justifiable as the establishment had already closed down on 29.6.2004 and the employees have not been identified.

Mr.Rajiv Sharma, learned counsel appearing for respondent No.2-Assistant Provident Fund Commissioner submits that whenever the assessment order under Section 7A of the Act had been ordered and the employer is found to have not deposited the amount in time, as a consequence thereof, the proceedings under Section 7Q and 14B of the Act have to follow.

I have heard the learned counsel for the parties and appraised the paper book.

This Court, while issuing notice of motion on 22.9.2011, ordered that orders Annexures P-1 and P-6 shall remain stayed subject to petitioner's depositing 50% of the principal amount.

It has been brought to the notice of the Court that the total amount assessed was ₹6,29,025/-. However, the petitioner-Management has only deposited a sum of ₹2,00,000/- and has not complied with the interim order.

In view of the non-compliance of the interim order, no cause of action survives in the present writ petition and the same is accordingly dismissed.

April 27, 2015
ramesh

(AMIT RAWAL)
JUDGE