

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

**CWP No.22605 of 2015**

**Date of Decision: 20.10.2015**

M/s Gupta Brothers (BKO)

... Petitioner

Versus

Employees Provident Fund Department & ors.

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. GBS Dhillon, Advocate,  
for the petitioner.

1. To be referred to the Reporters or not? .
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.(Oral)**

It is not open to the High Court in writ proceedings under Articles 226 & 227 of the Constitution of India while examining the work of the Employees Provident Fund Appellate Tribunal, New Delhi to interfere with the findings of fact recorded by the authority acting under Section of 7(1) of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 to determine money due from the establishment/employer. The petitioner is a brick kiln owner and does not dispute the applicability of the Act. However, the firm disputes the identity of the brick kiln labour employed by him during the relevant period covered by the assessment, that is, from August, 2009 to October 2010. This petition has been filed against an interlocutory order passed by the Appellate Authority. ATA No.1021(11) of 2015 from where this petition arises is pending before the Appellate Tribunal and the petitioner has approached this Court against an order of pre-deposit of 50% of the assessed amount to entertain the appeal in challenge to the order dated

September 4, 2015 passed under Section 7-A & 7-Q of the Act. The impugned order has been stayed, subject to pre-deposits and the matter has been adjourned to January 20, 2016. It may be noted that the Tribunal has reduced the amount of pre-deposit from 75% to 50% and substantial relief has already been granted to the petitioner. The merits of the case cannot be looked into at this stage. No ground is made out to interfere against the interlocutory order pending appeal asking for pre-deposit of half the sum assessed to entertain and maintain the appeal for a hearing on merits. I find no reason to interfere in this petition against the interlocutory order.

The petition is dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**20.10.2015**  
**monika**