

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

LPA No. 235 of 2014 (O&M)

DATE OF DECISION : 04.12.2015

Regional Provident Fund Commissioner, Amritsar and another
.... APPELLANTS

Versus

M/s Hind Samachar Limited, Civil Lines, Jalandhar
.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Rajiv Sharma, Advocate,
for the appellants.

Mr. Parteek Gupta, Advocate,
for the respondent.

* * *

SATISH KUMAR MITTAL, J. (Oral)

Regional Provident Fund Commissioner, Amritsar and Assistant Provident Fund Commissioner, Amritsar, have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 17.05.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 12278 of 2009) filed by M/s Hind Samachar Limited, Civil Lines, Jalandhar (respondent herein) was allowed and the order dated 08.04.2009 (Annexure P-25) was quashed.

On 25.05.2015, after hearing learned counsel for the parties, the following order was passed in this appeal :-

“In compliance to the order passed on the last date of hearing i.e. 13.05.2015, Mr. Rajiv Sharma, Advocate, for the appellant has filed affidavit of Sh. Jai Shankar Prasad, Assistant Provident Fund Commissioner, Provident Fund Office, Jalandhar.

In terms of the affidavit, it is stated that the Insurance Court judgment in ECIC case dated 18.11.2009 brought some new facts into light, therefore, it is prayed that the case be remanded back to the assessing authority for determination of dues afresh on merits, besides, directing the respondents to cooperate in the Section 7A Enquiry and submit the records.

Mr. Arun Kathpalia, Advocate for the respondent has no serious objection to the same. However, he submits that earlier the case was remanded in consequence to the order dated 11.09.2000 passed in CWP No. 12157 of 2000 and the matter has thereafter remained pending for the last 15 years. Therefore, it is prayed that the appeal at present be kept pending.

Mr. Rajiv Sharma, Advocate for the appellant has no objection to the same.

Adjourned to 05.11.2015.”

Today, learned counsel for the respondent states that in view of the aforesaid order, the respondent has no objection if the matter is remanded to the Assistant Provident Fund Commissioner, Amritsar

(appellant No.2 herein), with a direction to hear the matter afresh after providing opportunity of hearing to both the parties.

In view of the above, we dispose of this appeal with a direction to the Assistant Provident Fund Commissioner, Amritsar (appellant No.2 herein) to decide the matter afresh after providing opportunity to both the parties to produce documents, if necessary, as well as opportunity of hearing, and then pass a speaking order, within a period of six months from today. In case, the Assistant Provident Fund Commissioner, Amritsar (appellant No.2 herein) does not decide the matter within the stipulated period of six months, it will be open for the respondent to approach this court to have further directions in the matter.

(SATISH KUMAR MITTAL)
JUDGE

December 04, 2015
ndj

(SHEKHER DHAWAN)
JUDGE