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

+ **LPA 549/2015**

**CENTRAL BOARD OF TRUSTEES,
EPF THR ASSISTANT PROVIDENT
FUND COMMISSIONER**

..... Appellant

Represented by: Mr.R.C.Chawla, Advocate with
Mr.D.Rajeshwar Rao and
Mr.Charanjeet Singh, Advocates

versus

**ERA INFRA ENGINEERING LTD THR
ITS AUTHORIZED SIGNATORY**

..... Respondent

Represented by: None

LPA 550/2015

**CENTRAL BOARD OF TRUSTEES
EPF THR ASSISTANT PROVIDENT
FUND COMMISSIONER**

..... Appellant

Represented by: Mr.R.C.Chawla, Advocate with
Mr.D.Rajeshwar Rao and
Mr.Charanjeet Singh, Advocates

versus

**M/S APEX BUILDERS LTD THR
ITS AUTHORIZED SIGNATORY**

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.08.2015

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CM No.15837/2015 in LPA No.549/2015
CM No.15839/2015 in LPA No.550/2015

Allowed subject to just exceptions.

LPA Nos.549/2015 & 550/2015

1. The respondents in the two captioned appeals have laid a challenge to orders passed by the Employees Provident Fund Appellate Tribunal dated May 06, 2015 and May 08, 2015. The order(s) require the amount assessed under Section 7q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 to be deposited as a pre-condition to the appeal(s) being heard.
2. Vide impugned order(s) dated July 13, 2015 the learned Single Judge has adjourned hearing of the writ petition(s) to September 17, 2015 noting that connected matters involving same issues are fixed for said date and in the interregnum operation of the order(s) dated May 06, 2015 and May 08, 2015, challenged in the two writ petitions respectively have been stayed.
3. Grievance in the appeal is to the grant of the ad-interim stay by the learned Single Judge.
4. Suffice it to record that the learned Single Judge has found prima-facie case made out in favour of the respondents which is evident from the fact that in the writ petition the Court was inclined to issue a notice to the appellant but did not do so since counsel appeared and said that no counter affidavit is intended to be filed; hence the learned Single Judge adjourned hearing of the writ petition(s) to September 17, 2015 noting that similar issues raised in the other writ petitions would be coming up for hearing before Court on September

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17, 2015.

5. We accordingly dismiss the appeal in limine but without any order as to costs, hoping that on the next date the learned Single Judge would endeavour to hear the writ petition.

CM No.15836/2015 in LPA No.549/2015

CM No.15838/2015 in LPA No.550/2015

Dismissed.



PRADEEP NANDRAJOG, J.



MUKTA GUPTA, J.

AUGUST 19, 2015

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