

\$~25

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

% Judgment dated 5th November, 2015

+ W.P.(C) 10444/2015, CM APPL. No. 26214/2015 (Stay)

M/S JAIBHARAT TEXTILE & REAL ESTATE LTD. Petitioner
Through : Ms. Maneesha Dhir, Mr. L P. Dhir,
Ms. Varsha Bannerji, Ms. Divya Krishnan,
Advocates.

versus

BOARD FOR INDUSTRIAL AND FINANCIAL
RECONSTRUCTION & ORS. Respondents
Through : Mr. Manish Mohan, CGSC with Ms. Sidhi
Arora and Mr. Shivam Chanana, Advocates
for respondent No. 1/BIFR.
Mr. Keshav Mohan and Ms. Anindita
Barman, Advocates.
Mr. Bhagwan Swarup Shukla, CGSC with
Mr. Santosh Kumar Pandey, Advocate for
UOI.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL. No. 26215/2015 (Exemption)

1. Exemption allowed subject to all just exception.
2. Application stands disposed of.

W. P. (C) 10444/2015

3. Challenge in this writ petition is to the order dated 13.10.2015 passed by Employees Provident Fund Tribunal by which warrant of attachment with respect to movable property of the petitioner has been issued.
4. In this case, respondent No. 2 has issued demand on the petitioner company with respect to the dues of the provident fund.
5. Learned counsel for the respondent, who has entered appearance on an advance copy, submits that the petitioner has challenged the aforesaid demand raised by the respondent no.2, however, the appeal filed by the petitioner was not entertained as the petitioner had failed to make a pre-deposit as directed by the Employee Provident Fund Appellate Tribunal by an order dated 21.05.2015. Counsel for the respondent further submits that a writ petition is pending before this Court against the order of dismissal dated 08.09.2015 by which appeal preferred by the appellant was dismissed on account of non compliance of the order of pre-deposit dated 21.05.2015 and in view thereof the present writ petition is not maintainable.
6. We have heard learned counsel for the parties. *Prima facie*, we are of the view that since the order of attachment is in continuation to the demand raised by the respondent No. 2 against the petitioner, it would be in fitness of the things that this issue is also raised before the learned Single Judge, who is seized of the matter.

7. Accordingly, present writ petition is dismissed. As prayed, leave is granted to the petitioner to approach the learned Single Judge.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 05, 2015

gr