

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.19 of 2015

Arising out of

LPA No. 753 of 2012

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1. Katihar Medical College through its Finance Officer, P.O.-Karimbagh, P.S.-Katihar, District-Katihar, Bihar
 2. The Principal, Katihar Medical College, P.O.-Karimbagh, P.S.-Katihar, District-Katihar, Bihar.

.... Appellants/Petitioners

Versus

1. Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Sub Regional Office, Adampur Chowk, Distt.-Bhagalpur (Bihar).
2. The Presiding Officer, Employees Provident Fund Appellate Tribunal, 4th Floor, Scope 2, SCOPE Minar, Laxmi Nagar, New Delhi.

.... Respondents/ Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dharmeshwar Mishra, Advocate

For the Respondent/s : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-11-2016

Re.: I.A. No. 543 of 2015

For the reasons mentioned in the petition, delay of three days in filing the present Review Application is condoned.

I.A. No. 543 of 2015 stands allowed.

Re.: Civil Review No. 19 of 2015

The petitioners have sought review of the order dated 27th of August, 2014 passed by the Division Bench of this Court in LPA No. 753 of 2012 whereby, the damages have been quantified under Section 14-B of the Employees Provident Fund and

Miscellaneous Provisions Act, 1952 for delay in deposit of the Provident Fund dues.

2. The argument of the learned counsel for the petitioners is that 100% damages have been imposed and the interest has been levied, though the petitioners have paid interest on delayed payment.

3. We have heard learned counsel for the petitioners and find no ground for review of the order.

4. The matter of quantification of damages is in exclusive domain of the authorities under the Act. Once the quantification has not been interfered with in the writ petition in exercise of power of judicial review and in Letters Patent Appeal, the jurisdiction to examine the quantification of damages in review petition is not tenable. Still further, the petitioners have deposited interest on account of delayed payment of contribution whereas, Section 14-B of the Act contemplates interest on the amount of damages. Therefore, the interest component is on different accounts and stand on different footing.

5. We may notice that the petitioners filed Special Leave Petition (C) No. 34641 of 2014 before the Supreme Court which was dismissed summarily on 18th December, 2014.

6. In that view of the matter, we do not find any error

apparent on the record which may warrant review of the order.

7. The Review Application is, thus, dismissed.



(Hemant Gupta, ACJ)

(Ashwani Kumar Singh, J)

Sanjeet/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.11.2016
Transmission Date	N.A.