

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1920 of 2012
IN
Civil Writ Jurisdiction Case No 11808 of 2005

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M/s Sayeed Firozuddin Biri Merchants, Mohalla Mogal Kuan, Own Bihar Sharif,
District- Nalanda, Through Its Manager Md. Firozuddin.

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry Of Labour, Shram Shakti Bhawan New Delhi.
2. The Central Provident Fund Commissioner 9th Floor, Mayur Bhawan, Connaught Circus, New Delhi.
3. The Regional Provident Fund Commissioner Bihar, Patna, R Block Road No. 6, Serpentine Road, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Anil Kumar Sinha, Advocate

For Respondent No 1 : M/s Awadhesh Kr Pandey & Ravindra Kr Sharan, CGCs

For Respondents No 2 & 3 Mr Prashant Sinha, Advocate

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA
&
HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 01-03-2016

The present Letters Patent Appeal is directed against the order dated 13th of September, 2012 whereby the challenge, to the orders passed by the authorities under the Employees Provident Fund and Miscellaneous Provisions Act, remained unsuccessful.

2 The proceeding, under the aforesaid Act, was initiated against the appellant on account of demand having been raised by the Provident Fund authorities for the period June, 1978 to January, 1980.

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The assessment was made. In terms of an earlier order passed by this Court, the appellant availed the remedy of appeal but was unsuccessful.

3 The order of adjudication in the appeal was challenged before the Writ Court but the same was found to be not tenable as new plea, that the assessment was not correct, could not be raised for the first time before the Writ Court. It was found that the assessment order of demand raised against the appellant was based on valid adjudication in law that the establishment is covered and the workmen employed through contractor are as much their responsibility and contributions have to be made for workmen by the employer that is the appellant as a principal employer.

4 The dispute relates to contribution for the period June, 1978 to January, 1980. The appellant has the responsibility to deposit the contributions of the workmen engaged through the contractor being the principal employer.

5 In view thereof, there is no error in the order passed by the learned Single Judge which warrants interference in this Letters Patent Appeal. This Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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