

Comp.A.No.1071 of 2016
In
C.P.No.115 of 2014

RAJIV SHAKDHER,J.

1.This is an application filed by the Assistant Provident Fund Commissioner seeking condonation of delay in preferring a claim pertaining to Employees Provident Fund Organisation with the Official Liquidator.

2.Mr.P.Atchuta Ramaiah, learned Official Liquidator is present in Court and accepts notice. Mr.Ramaiah says that he does not wish to file a reply.

2.1.I am further informed that money is available in the account of the Company in Liquidation.

3.The applicant, in the affidavit accompanying the application, averred that the Official Liquidator in a communication dated 03.08.2016, has refused to entertain the claim of the applicant on the ground that it is beyond the date fixed for filing of claims.

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4.Admittedly, the last date fixed for filing claims was 14.08.2014. The applicant avers in support of his application that the delay in filing the claims is neither wilful nor wanton. It is further submitted that if delay is not condoned, employees of the Company in Liquidation would stand to lose.

5.Having regard to the averments made and given the fact that money is available in the account of the Company in Liquidation, I am inclined to condone the delay.

6.The delay is condoned. The application is accordingly allowed. The Official Liquidator will adjudicate upon the claim lodged by the applicant in accordance with law. The applicant is given leave to file, if necessary, original documents in support of the claim, within two weeks of the receipt of a copy of the order passed today.

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24.11.2016

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