

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17247 OF 2016

ORDER :

This writ petition is filed against the restraint order vide Letter No.AP/RO/GNT/1209/COMPL-I/K-I/D-I/2016/257 dated 30.05.2016 directing the 3rd respondent not to make any payments from the petitioner's account pending the appeal and waiver application before the Employee Provident Fund Appellate Tribunal against the orders passed by the 2nd respondent under Section 7A of the EPF and MP Act, 1952 (for short 'the Act').

Learned counsel for the petitioner submits that the 2nd respondent passed orders on 26.04.2016 under Section 7A of the Act determining the amount of Rs.30,31,513/- to be paid by the petitioner. Against the same, the petitioner preferred an appeal under Section 7(I) of the Act on 30.05.2016 along with an application for waiver of pre-deposit amount under Section 7 (O) of the Act before the Employee Provident Fund Appellate Tribunal. While so, the 2nd respondent issued impugned order dated 30.05.2016 under Section 8F of the Act directing the 3rd respondent not to make any payments from the petitioner's account lying with the 3rd respondent bank till the amount is recovered from the petitioner and further directed the bank to remit the sum of Rs.30,31,513/- to the Regional Fund Commissioner, Employee Fund Organization which is nothing but making the appeal of the petitioner infructuous.

On the other hand, Sri B.Narsimha Sarma, learned counsel for 2nd respondent submits that the petitioner has already filed an appeal as such they cannot seek any further direction and also submits that in respect of petitioner's other unit the Tribunal has directed to deposit 40% of the amount in the waiver application filed by other unit and

opposes the grant of interim order.

Admittedly, the amount to be paid by the petitioner is Rs.30,31,513/-and the petitioner states that it will keep the said amount intact without withdrawing till the waiver application is disposed of by the Tribunal.

In view of the same, the letter issued by the 2nd respondent directing the 3rd respondent to remit the amount of Rs.30,31,513/- is stayed till 15.06.2016. But however, the 3rd respondent shall ensure that the petitioner keeps an amount of Rs.30,31,513/- in deposit in its account. The petitioner shall see that it keeps in deposit the amount of Rs.30,31,513/- in its account for a period of three (03) weeks from today. Meanwhile, the Tribunal is directed to consider the waiver application of the petitioner on merits.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.06.2016

Note: CC by tomorrow
(B/o) dv

WRIT PETITION No.4068 OF 2015

Date: 25.02.2015

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