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

+ W.P.(C) 313/2010

KIRAN KUMAR SOIN

..... Petitioner

Through: Mr. I.C. Mishra, Advocate

versus

UOI AND ORS

..... Respondents

Through: Ms. Saroj Bidawat, Advocate for UOI
Mr. Amit Khemka, Mr. Rishi Sehgal
and Ms. Varchana Taneja, Advocates
for respondents No.2 & 3

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **05.12.2016**

C.M. Appl. 35725/2016

The 98 days' delay in filing the reply is condoned.

Application is disposed of.

C.M. Appl. 14417/2014

1. Respondents No.2 and 3 have filed this application for release of the amount deposited by the petitioner in terms of order dated 18th January, 2010.
2. Learned counsel for the petitioner submits that the petitioner deposited Rs.50,000/- in terms of order dated 18th January, 2010 with the Registrar General of this Court and the said amount be refunded back to the petitioner in view of the dismissal of the writ petition on 17th July, 2013.
3. Learned counsel for respondents No.2 and 3 submits that the petitioner has filed the appeal before the Appellate Tribunal but has not deposited 75% of the amount in terms of Section 7-O of the Employees'

Provident Fund and Miscellaneous Provisions Act, 1952.

4. Learned counsel for the petitioner submits that the Appellate Tribunal has stayed the operation of the impugned order on 25th November, 2013 till the disposal of the appeal.

5. Learned counsel for respondents No.2 and 3 submits that since there is no order of the Appellate Tribunal to waive off or reduce the amount under Section 7-O, the amount deposited by the petitioner be either kept in fixed deposit or be sent to the Appellate Tribunal.

6. In the facts and circumstances of this case, the application is disposed of with liberty to the parties to approach the Appellate Tribunal. The Appellate Tribunal shall pass an appropriate order with respect to the amount deposited by the petitioner with the Registrar General of this Court. Till then, the Registrar General shall retain the said amount in fixed deposit. The Registrar General shall disburse the money in terms of the order to be passed by the Appellate Tribunal.

J.R. MIDHA, J.

DECEMBER 05, 2016
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