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

+ W.P.(C) 244/2016

M/S DENYO INDIA PVT LTD Petitioner
Through: Mr.S.K. Gupta, Adv.

versus

ASSISTANT PROVIDENT FUND COMMISSIONER

..... Respondent
Through: Mr.R.C. Chawla with Ms.Inderjeet
Sidhu, Advs.

CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
% **12.01.2016**

C.M. No.1017/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) No.244/2016 & CM No.1016/2016

1. By way of present petition under Article 226 of the Constitution of India, the petitioner has claimed interim relief against the impugned order dated 26.11.2015 passed by Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Regional Office, Plot No.43, Sector-44, Gurgaon under Section 7A of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act').

2. The brief facts as set out in the present case are that the petitioner has a registered office at D-45, Udyog Vihar Phase-V, Dundaheera, Gurgaon, Haryana. The respondent issued summons dated 29.05.2014 against the petitioner under Section 7A of the Act for determination of PF dues. Vide order dated 26.11.2015, the respondent determined the dues of Rs.16,14,817/- (Rupees sixteen lakhs fourteen thousand eight hundred and seventeen) against the petitioner for the period from 05/2009 to 07/2013 under Section 7A of the Act. The respondent further directed the petitioner to pay the said amount of PF dues along with interest due under Section 7Q of the Act within fifteen days from receipt of the aforementioned order, failing which dues will be recovered in the manner prescribed under Section 8B to 8G of the Act.

3. Learned counsel for the petitioner urges that the petitioner has filed an appeal under Section 7I of the Act before the Tribunal on 07.01.2016. However, the appeal could not be heard as the Presiding Officer of EPF Tribunal is on leave. He also submits that respondent be directed not to take any coercive steps in terms of order dated 26.11.2015 passed by the Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Regional Office, Plot No.43, Sector-44, Gurgaon.

4. Mr.R.C. Chawla, Advocate enters appearance on advance notice on behalf of the respondent and fairly concedes that the Presiding Officer of EPF Tribunal is on leave till 15.01.2016. He submits that no coercive steps will be taken against the petitioner in

pursuant to order dated 26.11.2015 till the Presiding Officer joins.

5. Mr.S.K. Gupta, learned counsel for the petitioner is satisfied with the aforesaid and submits that the petition as well as application may be disposed of.

6. In view of the above, the petition and the application are disposed of with the directions that no coercive steps be taken against the petitioner to enforce the impugned order dated 26.11.2015 till the Presiding Officer, EPF Tribunal joins. However, learned Presiding Officer EPF Tribunal will hear the appeal and decide the same in accordance with law.

V.P.VAISH, J

JANUARY 12, 2016/gm

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