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

+ W.P.(C) 1629/2016 & C.M. Appl. No. 7051/2016

M/S EVERSHINE HOUSEKEEPING SERVICES (REGD.)..... Petitioner

Through: Mr.S.P. Arora and Mr. Rajiv Arora,
Advocates

versus

HARISH GUPTA, PRESIDING OFFICER EPFAT & ANR..... Respondents

Through: Mr.Keshav Mohan and Mr.Piyush
Choudhary, Advocates

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **04.03.2016**

By way of present petition under Articles 226 and 227 of the Constitution of India the petitioner seeks quashing of orders dated 22.12.2015 and 19.11.2015 passed by the learned Presiding Officer, Employees Provident Funds Appellate Tribunal (in short 'EPFAT'), in ATA No. 1320(4) 2015 titled '*Evershine House Keeping Services vs. APFC, Delhi (N)*'.

Mr.S.P. Arora, learned counsel for the petitioner submits that EPFAT has passed an order dated 19.11.2015 and the petitioner moved an application under Section 7L(2) of the Employees' Provident Funds and Miscellaneous Act, 1952 (in short 'the Act') for review of the order dated 19.11.2015 and also for compliance of the order dated 08.12.2015. He also submits that the petitioner moved an application dated 23.12.2015 seeking

extension of time. Learned counsel for the petitioner submits that both the applications are pending and the next date of hearing is 28.03.2015. He further submits that petitioner is suffering great hardship.

Learned counsel for the petitioner further submits that vide order dated 19.11.2015, Presiding Officer, EPFAT stayed the operation of orders dated 31.08.2015 and 08.10.2015 subject to petitioner's depositing 40% of the assessed amount. Learned counsel for the petitioner also submits that a sum of Rs.31,15,257/- and Rs.65,336/- has already been attached by the respondent. He also submits that the petitioner is ready to deposit a sum of Rs.36,10,000/- and after deposit of said amount it would come to 40% as directed by EPFAT vide order dated 19.11.2015.

Learned counsel for the petitioner further submits that the petitioner would be satisfied if the application of the petitioner dated 08.01.2016 under Section 7L(2) of the Act is decided in a time bound manner. He also submits that the petitioner will move an application for stay of the orders dated 31.08.2015 and 08.01.2016 under Section 7A and 7B of the Act.

Mr. Keshav Mohan, learned counsel for the respondents on advance notice submits that he has no objection if the application of the petitioner is decided at an early date.

In view of the facts and circumstances of the case, it is deemed appropriate to dispose of the present petition as well as application with directions that EPFAT will decide the application dated 08.01.2016 under Section 7L(2) of the Act within one month from today. Both the parties are directed to appear before EPFAT on 11.03.2016 at 11:00AM. However, the petitioner is at liberty to move an application for stay of the orders dated 31.08.2015 and 08.01.2016 under Section 7A and 7B of the Act along with

draft amounting Rs.36,10,000/- and the same will be considered by the learned EPFAT within a period of two days of moving the application.

In view of the above, the petition and the application stand disposed of.

Dasti.

V.P.VAISH, J

MARCH 04, 2016/hkaur