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

+ W.P.(C) 2457/2016

CENTRAL BOARD OF TRUSTEES THROUGH RPFC DELHI  
(SOUTH) ..... Petitioner

Through: Mr.Sanjay Jain, ASG with Mr.D.  
Rajeshwar Rao, Adv.

versus

M/S DENTSU MARCOM PVT LTD AND ANR ..... Respondents

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE V.P.VAISH**

**ORDER**

% 22.03.2016

**CM No.10498/2016**

Exemption allowed subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 2457/2016 & CM No.10497/2016**

By way of present petition, the petitioner has assailed orders dated 1<sup>st</sup> March 2016 and 9<sup>th</sup> March 2016 passed by learned Presiding Officer, Employees Provident Fund Appellate Tribunal (for short 'EPFAT') in ATA No.461(4) 2015 titled as 'M/s. Dentsu Marcom Pvt. Ltd. vs. The APFC, Delhi' whereby the Central Provident Fund Commissioner was directed to appear on 28.03.2016 to show cause why the cases/appeals are not been looked after by EPFO, failing which appeal filed by the appellant shall be allowed.

Mr.Sanjay Jain, learned Additional Solicitor General submits that the petitioner herein has revamped the panel of Advocates and assures that the petitioner would be represented properly before the EPFAT. Learned ASG further submits that the case before the EPFAT was being looked after by Mr.Amit Tyagi, Advocate who could not appear on 1<sup>st</sup> March 2016 before the EPFAT due to some serious eye problem and he had to visit Venu Eye Institute Research Center for treatment.

It is also stated that the petitioner moved an application for modification of order dated 01.03.2016 and the same was adjourned to 28.03.2016.

Mr.Sanjay Jain, ASG also submits that the Assistant Provident Fund Commissioner shall appear before the Employees Provident Fund Appellate Tribunal on 28.03.2016 and apprise the Court about the complete facts of the case.

In the facts and circumstances of the case, it is not necessary to issue notice of the petition.

A perusal of order dated 1<sup>st</sup> March, 2016 shows that the appeal was fixed for ex-parte arguments and the Tribunal was of the opinion that nobody was appearing on behalf of the petitioner herein despite specific directions issued to the Central Provident Fund Commissioner. There is no remark against the Advocate.

Having considered the facts and circumstances of the case, it is deemed appropriate to dispose of the present petition with the direction that the learned EPFAT will not insist on the personal

appearance of the Central Provident Fund Commissioner on 28.03.2016 subject to the condition that the Assistant Provident Fund Commissioner shall appear before the EPFAT on 28.03.2016, the date already fixed. In case learned Presiding Officer, EPFAT is not satisfied and feels that the presence of Central Provident Fund Commissioner is required, necessary order will be passed.

With the aforesaid observations, the petition as well as application are disposed of.

DASTI.

**V.P.VAISH, J**

**MARCH 22, 2016/gm**