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

+ W.P.(C) 4370/2016 & CM APPLNs.21805/2016, 18278/2016

M/S J.S. DESIGNER LTD Petitioner
Through: Mr. Shubhankar Jha, Advocate

versus

REGIONAL P.F. COMMISSIONER-II SRO, JHILMIL
INDUSTRIAL AREA, DELHI Respondent
Through: Mr. R.C. Chawla, Standing
Counsel with Ms. Inderjeet Sidhu,
Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **02.06.2016**

Instead of passing an order in CM APPLN.21805/2016, the hearing in the main petition is preponed for today and the date of 21st July, 2016 fixed therein stands cancelled.

Impugned order of 7th October, 2015 notes that 30% of the amount due has not been deposited by petitioner and so, petitioner's appeal was dismissed.

Vide order of 5th November, 2015, this Court had directed petitioner to deposit 30% of the impugned demand. Petitioner has failed to do so. The reason put forth by learned counsel for petitioner for inability to do so is the financial stringency. However, learned counsel for petitioner submits that later on 30% of the impugned demand has been deposited on 28th March, 2016 and on instructions, he further submits that

another 5% of the impugned demand may be deducted towards the impugned demand from petitioner's Bank Account No. C/A 300242839 in State Bank of India at Patparganj Industrial Area, Delhi-92, wherein the amount lying is ₹14,36,548.58/-.

In the peculiar facts and circumstances of this case, it is deemed appropriate to permit petitioner to deposit 5% of the impugned demand by directing the aforesaid Bank to remit ₹4,07,225/- to respondent and thereafter to defreeze petitioner's account.

Upon remittance of aforesaid 5% of the impugned demand being received by respondent, petitioner is permitted to file an application for restoration of the appeal, which shall be decided by the learned Tribunal expeditiously on merits.

With aforesaid directions, this petition and the pending applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JUNE 02, 2016

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