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

+ LPA 364/2016 & CM No.21430/2016

M/S TIRATH RAM AHUJA PVT LTD Appellant
Through Mr.S.K.Gupta, Adv.

versus

REGIONAL PROVIDENT FUND COMMISSIONER..... Respondent
Through Mr.R.C.Chawla, Standing Counsel
with Ms.Inderjeet Sidhu, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
30.05.2016

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1. The appellant before us is the petitioner in W.P.(C) No.3610/2016 which was filed aggrieved by the order dated 30.03.2016 passed by the Employees Provident Fund Appellate Tribunal reducing the pre-deposit amount payable under Section 7-I of the Employees Provident Funds and Miscellaneous Provision Act, 1952 from 75% to 40%. The writ petition was disposed of by the learned Single Judge by order dated 29.04.2016 recording the statement of the counsel for the writ petitioner that the petitioner is ready to deposit 30% of the assessed amount within a period of 30 days. On 10.05.2016, the writ petitioner/appellant herein filed CM No.18043/2016 to permit him to furnish bank guarantee equal to 30% amount towards pre-deposit. The said application was dismissed by the learned Single Judge by order dated 13.05.2016. Hence, the present appeal by the applicant/writ petitioner.

2. Having heard learned counsel for the appellant as well as the learned counsel appearing for the respondent and having regard to the admitted fact that the appellant/writ petitioner himself had undertaken before this Court on 29.04.2016 that the writ petitioner was ready to deposit 30% of the assessed amount as 'pre-deposit', we are of the view that the learned Single Judge has rightly dismissed the appellant's application seeking permission for furnishing bank guarantee. The order under appeal, therefore, warrants no interference by us.

3. Accordingly, the appeal is dismissed.

4. However, in the facts and circumstances of the case, the appellant/writ petitioner is granted 10 days time from today to deposit the 30% of the assessed amount towards pre-deposit.

CHIEF JUSTICE

JAYANT NATH, J

MAY 30, 2016

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