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

+ W.P.(C) 10647/2016 & CM 41737/2016

CROSS COUNTRY HOTELS LIMITED Petitioner

Through: Dr. M.Y. Khan, Adv.

versus

THE REGIONAL PROVIDENT

FUND COMMISSIONER (SOUTH)

..... Respondent

Through: Mr. Keshav Mohan, Mr.Piyush
Choudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.12.2016**

1. The petitioner has challenged the recovery order dated 18th March, 2014, recovery notice dated 18th July, 2016 and the show cause notice dated 1st September, 2016 issued by the respondent to recover Rs.24,06,151/- from the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is not liable to pay any amount whatsoever to the respondent.

3. Learned counsel for the respondent submits that the writ petition is not maintainable as the petitioner has an equally efficacious remedy of challenging the substantive order dated 31st August, 2015 passed by the Assessment PF Commissioner under Sections 14B and 7Q of EPF and MP Act, 1952. It is submitted that the petitioner has deliberately not even filed the copy of the order dated 31st August, 2015 in the writ petition.

4. After some hearing, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to approach the Appellate Tribunal. Learned counsel for the petitioner on instructions from the Director of the petitioner submits that the petitioner shall file an appeal

before the Appellate Tribunal within a period of 15 days from today.

5. The writ petition is dismissed as withdrawn with liberty as prayed for. If the appeal is filed by the petitioner within 15 days, the Appellate Tribunal shall consider the same on merits. The respondent shall withhold the coercive action against the petitioner for the period of 15 days from today.

6. The pending application is dismissed.

7. It is clarified that this Court has not expressed any opinion on the merits of the case.

8. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

DECEMBER 21, 2016

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