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

+ W.P.(C) 11458/2016

PAWAN MEHRA

..... Petitioner

Through: Mr. Rakesh Khanna, Sr. Adv. with
Mr. Neeraj Dev Gaur, Ms. Mahima
Rathi, Advs.

versus

THE EMPLOYEES PROVIDENT
FUND ORGANISATION & ORS

..... Respondents

Through: Mr. Keshav Mohan, Mr. Deepak
Pathak, Advs. for R-1/EPFO along
with Mr. Mahesh Kumar,
Enforcement Officer and Mr. A.P.
Jain, S. Supervisor
Mr. Arun Kumar, Ms. Shanaz Khan,
Mr. Raghav Tiwari, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **07.12.2016**

W.P.(C) 11458/2016 & CM 44931/2016

1. Learned counsel for the respondents has handed over a two page note along with compilation of the proceedings before the Competent Authority and the Recovery Officer. The same are taken on record.
2. Learned senior counsel for the petitioner has handed over copy of the notice dated 22nd September, 2015 which is also taken on record.
3. After some hearing, learned senior counsel for the petitioner on instructions from the petitioner present in Court submits that the petitioner shall file the appeal before the Appellate Tribunal under Section 7-I of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. Learned senior counsel for the petitioner submits that the respondents should

not raise the objection of limitation in the appeal. Learned senior counsel for the petitioner further submits that the petitioner shall submit the bank guarantee in lieu of the pre-deposit of 75% before the Appellate Tribunal.

4. The writ petition and the pending application are dismissed as withdrawn with liberty to the petitioner to prefer the remedy of appeal before the Appellate Tribunal under Section 7-I of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. If the appeal is filed within a period of two weeks from today, the Appellate Tribunal shall consider it on merits and limitation shall not come in the way of the petitioner.

5. The petitioner's prayer for bank guarantee in lieu of pre-deposit shall be considered by the Appellate Authority.

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

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

J.R. MIDHA, J.

DECEMBER 07, 2016

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