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

+ W.P.(C) 11684/2016 & CMs 46013-46014/2016

WIPRO LIMITED

..... Petitioner

Through: Ms.Jyoti Singh, Sr. Adv. with Mr. A.
Kumar, Ms. Priyanka Vora, Advs.

versus

THE REGIONAL PROVIDENT
FUND COMMISSIONER & ANR

..... Respondents

Through: Mr. R.C. Chawla, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.12.2016**

1. The Employees Provident Fund Organization has initiate proceedings under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 in which the petitioner filed an application seeking the proceedings to be kept in abeyance till the disposal of the Civil Appeal No.3965-66/2013 tilted ***Surya Roshni vs. Employees Provident Fund*** pending before the Supreme Court on the ground that the same question of law is involved in this matter. Vide order dated 25th November, 2016, the Regional Provident Fund Commissioner dismissed the petitioner's application which is under challenge in this writ petition.

2. Ms. Jyoti Singh, learned senior counsel for the petitioner submits that the same issue is involved in the matter before the Supreme Court as well as in the proceedings against the petitioner and therefore, the proceedings before the Regional Provident Fund Commissioner be kept in abeyance till the decision of the matter pending before the Supreme Court.

3. This Court is of the view that the proceedings before the Regional Provident Fund Commissioner cannot be kept in abeyance on the ground

that a matter involving the issue is pending before the Supreme Court. So far as the merits of the petitioner's case are concerned, it would be appropriate for the petitioner to urge all the contentions before the Regional Provident Fund Commissioner for consideration.

4. Learned counsel for the petitioner submits that if the Regional Provident Fund Commissioner passes an adverse orders against the petitioner, the respondent would take coercive action to recover the same and therefore, some interim relief be provided to the petitioner.

5. Mr. R.C. Chawla, learned counsel for the respondent submits that the Employees Provident Fund and Miscellaneous Provisions Act, 1952 provides for a remedy of appeal to the aggrieved party before the Appellate Tribunal within sixty days of the order and the department do not ordinarily take any action during the period of sixty days.

6. There is no merit in this writ petition which is hereby dismissed. The pending applications are also dismissed.

7. It is clarified that this Court has not expressed any opinion on the merits of the case which shall be considered by the Regional Provident Fund Commissioner after hearing both the parties.

J.R. MIDHA, J.

DECEMBER 21, 2016

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