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

+ **W.P.(C) 11775/2016 & CM No.46461-46462/2016**

PRATHA SARATHI SAHA Petitioner
Through: **Ms. Aprajita Mukherjee, Adv.**

versus

**ASSISTANT PROVIDENT
FUND COMMISSIONER** Respondent
Through: **Mr. R.C. Chawla, Standing Counsel
with Ms. Inderjeet, Adv.**

**CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA**

% **ORDER**
16.12.2016

CM No.46462/2016

Allowed, subject to just exceptions.

W.P.(C) 11775/2016

1. Issue notice. Learned counsel for the respondent accepts notice.
2. The petitioner preferred an appeal bearing ATA No.480(2) 2013 before Employees Provident Fund Appellate Tribunal, New Delhi which was dismissed in default on 28th July, 2016.
3. Learned counsel for the petitioner submits that the petitioner approached the registry of the learned Tribunal for filing an application for restoration but the same was not accepted on the ground that no application was maintainable after the dismissal of the appeal. The petitioner is seeking restoration of the appeal.
4. Learned counsel for the respondent submits that the petitioner was negligent in handling the matter before the learned Tribunal.

5. This Court is of the view that the petitioner's appeal be restored and the matter be remanded back to the learned Tribunal to hear the appeal.
6. The writ petition is allowed, the order dated 28th July, 2016 is set aside and appeal bearing ATA No.480(2) 2013 is restored to its original number.
7. The parties shall appear before the learned Tribunal on 23rd December, 2016 when the learned Tribunal shall fix a date for hearing the appeal. Learned counsel for the petitioner has noted down the date of hearing and undertakes to appear before the learned Tribunal on 23rd December, 2016.
8. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

DECEMBER 16, 2016
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