

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (L) No. 4915 of 2010**

Vikas Handlum Weaver Sahakari Sanstha Maryadit Kurud,
Through President Shri Ass Ram Dewangan, Vikas
Handlum Weaver Sahakari Sanstha Maryadit, Kurud,
District Dhamtari (C.G.)

---- Petitioner**Versus**

The Assistant Provident Fund Commissioner, Sub Regional
Office, Raipur, Nav Bharat Press Complex, G.E. Road,
Raipur (C.G.)

---- Respondent

For Petitioner	:	Mr. Rakesh Pandey, Advocate.
For Respondent	:	Mr. Sunil Pillai, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/05/2017**

(1) Regional Provident Fund Commissioner passed an order dated 9.11.2000 against the petitioner under section 7-A & 7-Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, against which he preferred appeal before the Employees' Provident Fund Tribunal at Delhi (for short 'the Tribunal') on 5.1.2001, which is registered at ATA No. 15(8) of 2001, the same was entertained on 9.1.2001 and interim order was granted in favour of the petitioner. Thereafter, on 23.11.2006, the appeal was dismissed for want of prosecution, for which he made application for restoration along with application for condonation of delay in filing the same, which has been dismissed by the appellate Tribunal.

(2) Now, instant writ petition has been filed for restoration of ATA No. 15(8) of 2001.

(3) Learned counsel for the petitioner would submit that representative of the petitioner-Society could not appear before the tribunal on the date when the case was dismissed for non prosecution as there was no notice was served to him for appearing on 23.11.2006 and it is unintentional and bonafide.

(4) On the other hand, counsel for the respondent would support the order impugned.

(5) Having heard learned counsel appearing for the parties, further taking into account the fact that petitioner's substantive appeal has been dismissed and the cause shown by the petitioner appears to be sufficient and *bonafide*, it is a fit case where the order dated 23.11.2006 is liable to be and is hereby set aside and ATA No. 15(8) of 2001 is restored to the original file of the Tribunal for hearing and disposal in accordance with law.

(6) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

