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HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 5229 of 2006**

Ramesh Chemical Industries through its partner H.K. Sachdeva,
Dayalbandh, Bilaspur (C.G.)

---- Petitioner**Versus**

1. The Regional Provident Fund, Commissioner, Regional Office, Indira Gandhi Complex, Pandri, Raipur (C.G.)
2. Assistant Provident Fund, Commissioner, Regional Officer, Indira Gandhi Complex, Pandri, Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Parag Kotecha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/11/17**

1. Learned counsel for the petitioner would submit that without giving any reasonable opportunity of hearing to the petitioner, the impugned order dated 30.08.2006 has been passed by respondent No. 2.
2. Learned counsel for the petitioner would further submit that it is the case of the petitioner that the provisions of the Employees Provident Fund Act, 1952 (for short "Act of 1952") is not applicable to his establishment which has not been considered and straightway the impugned order has been passed. Therefore, he may be granted liberty to make an objection to the same before the respondent authorities and the respondent authorities be directed to consider the same strictly in accordance with law.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. The prayer appears to be fair and reasonable and is accordingly allowed.
5. Be that as it may, the petitioner would be at liberty to file an objection with

all the material documents demonstrating that the Act of 1952 is not applicable in his establishment. If such an application is filed by the petitioner within 15 days from today then, the respondent No. 1- Regional Provident Fund shall consider and decide the petitioner's objection afresh after hearing the petitioner strictly in accordance with law and without being influence by the earlier order passed, expeditiously preferably within a period of three months from the date of receipt of copy this order. The interim order passed earlier shall remain operative during that three months.

4. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Priyanka