

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.15800 of 2017

ORDER:

This writ petition is filed by the petitioner challenging the proceedings dated 13.06.2016 and un-dated.07.2016 order passed by the 3rd respondent, levying damages and quantifying the interest payable under Section 14-B and Section 7Q of the E.P.F. Act, respectively.

2. The only point raised in the present writ petition is that an adjournment notice was issued to the petitioner on 26.04.2016, fixing the date of hearing as 28.04.2016, but the said notice was received by the petitioner on 03.05.2016. Without hearing the petitioner, the 3rd respondent passed the impugned orders.

3. In view of the lack of opportunity to the petitioner to canvas its case due to the short date given in the adjournment notice, which was received by the petitioner after due date, this court finds *prima-facie* case in favour of the petitioner. Since there is short point raised in this writ petition, this court is not inclined to keep the writ petition pending and asked the learned standing counsel for the respondents that whether he is willing for remand of the case to the concerned authority for passing appropriate orders, in accordance with law, after hearing the petitioner, he accepted for the same.

4. Having regard to the facts and circumstances of the case, the impugned orders dated 13.06.2016 and undated.07.2016 order passed by the 3rd respondent, are set aside and the matter is remanded to the 3rd respondent, directing to issue notice by duly intimating the date of hearing to the petitioner in advance and after hearing the petitioner, the 3rd respondent shall pass fresh orders in accordance with law.

5. The writ petition is, accordingly, allowed. No order as to costs.
Pending miscellaneous petitions, if any, shall stand dismissed in
consequence.

A. RAMALINGESWARA RAO, J

Date: 27.04.2017
BSS



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