

Sr.No.205

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15071-2015(O&M)

Date of Decision: 06.11.2017

The Jagdambe Corporative L/C Societies Ltd. And othersPetitioners

VS.

State of Punjab and othersRespondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr.Puneet Jindal, Sr. Advocate
with Mr. Varun Goyal, Advocate for the petitioners.
Ms. Sunnit Kaur, AAG, Punjab.
Mr.Sanjeev Soni, Advocate for respondent no.2.
Mr. Sanjay Tangri, Advocate for respondent no.3.

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RAKESH KUMAR JAIN, J (ORAL)

The only issue involved in this case is as to whether the petitioners, being the registered Labour Societies are exempted from payment of EPF in terms of Section 16(1)(a) of the Employees Provident Fund and Misc. Provisions Act, 1952 (for short 'the Act').

Learned counsel for the petitioners has submitted that the Municipal Corporation is deducting 5% from its payment on account of EPF. It is further submitted that the matter can be resolved, if the issue, whether the petitioners are exempted or not, pending before the Regional Provident Fund Commissioner – II (respondent no.3) is decided one way or the other. Learned counsel for respondent no.3 has submitted that the petitioners are themselves not cooperating otherwise the matter would have been decided earlier.

Be that as it may, this petition is hereby disposed of with

CWP-15071-2015(O&M)

-2-

a direction to the respondent no.3 to decide the issue raised by it by way of issuance of a show cause notice to the petitioners to which they have already filed replies, after hearing the petitioners or their representatives and by passing a speaking order, as early as possible but preferably within a period of two months from the date of receipt of certified copy of this order.

It is further made clear that in case it is decided by respondent no.3 that the petitioners are exempted from payment of Employees Provident Fund (EPF) then the amount deducted by respondent no.2 from the bills of the petitioners society shall be refunded within one month from the date of that order.

Parties are directed to appear before respondent no.3 on 20.11.2017.

06.11.2017

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(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No