IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19749-2015 (O&M)
Date of Decision:-24.11.2017.

M/s Sukhma Enterprises

.....Petitioner

Versus

Regional Provident Fund Commissioner and another

......Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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Present: Mr. Ajay Chaudhary, Advocate for the petitioner.

Mr. O.S. Batalvi, Advocate for respondent No.1.

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P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged the order dated 14.8.2015 (Annexure P-7) of the Employees Provident Fund Appellate Tribunal (for short 'EPFAT'). Petitioner is a registered firm-company and it is bound by the provisions of EPF Act, 1952.

The respondent EPF Department issued notice to the petitioner on 31.3.2014 relating to assessment of damages and interest under Section 14-B and 7-Q of the EPF Act for the period from 1.4.1996 to 31.1.2014 while determining the amount of damages to the tune of ₹ 7,08,026/- and interest to the extent of ₹ 4,31,395/-. The EPF Department noticed that they had issued notice on 13.12.2008 for the period from 4.4.2004 to January, 2008 by which they have already determined a sum of ₹ 2,84,498/- as damages and a sum of ₹ 1,86,972/- as interest. Consequent upon the same, revised notice was issued on 7.5.2014 while determining damages and interest. Petitioner pursuant to the notice dated 13.12.2008 to the extent of a sum of ₹ 4,71,407/- inclusive of damages and interest was remitted. Whereas, the respondent-EPF Department failed to deduct proportionally viz, damages and interest portion whereas in respect of damages and interest in lump sum it was deducted ₹ 4,71,470/-. It should have been deducted under the Damages Head a sum of ₹ 2,84,498/- and under the Interest Head ₹ 1,86,972/-. To that extent there is an error in the revised notice dated 7.5.2014. In view of the aforesaid error Annexure P-7 order dated 14.8.2015 of the EPFAT order is set aside. Matter is remanded to the respondent-EPF Department for re-determining with reference to appropriate deduction of ₹ 2,84,498/- and ₹ 1,86,972/- under the Head of Damages (Section 14-B of the EPF Act) and Interest Head (under Section 7-Q of the EPF Act). Necessary action shall be taken by the EPF Department in this regard within a period of 3 months from the date of receipt of certified copy of this order. Further communicate the decision to the petitioner for compliance, if any.

Petition stands allowed in part.

(P.B. BAJANTHRI)
JUDGE

November 24, 2017.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.