

**In the High Court of Punjab and Haryana, at Chandigarh**

**Letters Patent Appeal No. 2496 of 2016**

**Date of Decision: 24.04.2017**

M/s Harry Hyper Store

... Appellant(s)

Versus

Employees Provident Fund Appellate Tribunal and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.  
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Pawan Kumar Mutneja, Advocate  
for the appellant.

Mr. Sanjay Tangri, Advocate  
for respondent No.2.

**Mahesh Grover, J.**

The only grievance raised in the instant appeal is that the learned Single Judge, while remanding the matter back for decision afresh under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 directed the amount of ₹ 3,98,446/- to be deposited.

Learned counsel for the appellant contends that once the matter has been ordered to be looked into afresh and there being no adverse order against the appellant on the date of remand, there would be no occasion to direct such a payment.

After hearing learned counsel for the parties, we are of the considered view that the contention of learned counsel for the appellant merits acceptance and therefore, in order to settle equities, we direct that instead of making the deposit of aforesaid amount, the appellant would

merely furnish a surety to the same extent. While disposing of the appeal in these terms, we also make it clear that simply because he has been asked to furnish surety would not be construed to be any comment on merits of the claim or liability of the appellant and the authorities would determine the cause independently *de hors* all that has been transpired till now.

(Mahesh Grover)  
Judge

(Shekher Dhawan)  
Judge

April 24, 2017  
“DK”

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |