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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 16.03.2017

+ W.P.(C) 7703/2016

**ASSOCIATION OF MES CONTRACTORS AND TRADERS AND
ALL MEMBERS**

..... Petitioner

versus

**DIRECTORATE OF CONTRACT MANAGEMENT MILITARY
ENGINEERING SERVICES ENGINEER IN CHIEFS BRANCH
INTEGRATED HQ OF MOD AND ANR**

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Ms Seema Singh

For the Respondents:

Mr Nitish Gupta, Mr Farman Ali and Mr Brajesh Kumar for
Mr Ravi Prakash for UOI.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.03.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No.31779/ 2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7703/2016 & C.M. No.31778/2016(stay)

1. The petitioner has filed the present petition impugning the action of the respondent in mandating that for all bids to be submitted, the EPF code

should be uploaded.

2. The contention of the petitioner is that in certain organizations, which employ less than 20 employees, the registration with the Employees' Provident Fund Authority is not mandatory and as such, the said organisation may not have an EPF code and mandating an organisation to upload an EPF code while submitting its bid would disqualify an otherwise eligible bidder from participating.

3. Learned counsel for the respondent has filed a status report contending that by notification dated 17.10.2016, the impugned condition has been modified thereby requiring an organisation to submit an EPF code, only "if applicable".

4. It is submitted that if an organisation does not require registration with the Employees' Provident Fund authority, it would not be mandatory for the said organisation to upload the EPF code, however if an organisation requires registration then an EPF code would be required to be submitted prior to the release of the work order.

5. In view of the above, no further orders are called for.

6. The Writ Petition is accordingly disposed of.

7. *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

March 16, 2017/SP'