

\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 566/2017, C.M. APPL.30798-30802/2017
M/S HYTHRO POWER CORPORATION LTD Appellant
Through : Sh. Rohit Sharma and Sh. Anshul
Chowdhary, Advocates.

versus

REGIONAL PROVIDENT FUND COMMISSIONER
..... Respondent
Through : Sh. Keshav Mohan, Sh. Rishik Awasthi,
Sh. Piyush Choudhary and Sh. Kabir Ghosh,
Advocates.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K. GAUBA

ORDER
% **28.08.2017**

The present appeal is directed against an order of the learned Single Judge declining to exercise jurisdiction under Article 226 of the Constitution of India.

The order of the Employees' Provident Funds Appellate Tribunal [hereafter "the Tribunal"] – which had reduced the quantum of pre-deposit from 75% to 50%, was questioned as irregular.

This Court was informed during the course of hearing that the Assistant Provident Fund Commissioner has since attached two immovable properties and in the light of this changed development, the impugned order ought to be interfered with.

This Court is of the opinion that there is no infirmity in the impugned order. At the same time, since the attachment of the two properties occurred apparently after the pre-deposit of 05.06.2017, i.e. after the order reducing the quantum of pre-deposit was made by the Tribunal, it is appropriate that the appellant approach the Tribunal within four weeks, with a fresh application urging these changed circumstances, for further relief. If so advised, the same will be considered on its merits. This Court expresses no opinion on such development. The rights of the parties are kept open. The appeal is accordingly disposed of along with the pending applications.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

AUGUST 28, 2017/AJK