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

+ W.P.(C) 6350/2017 & CM No. 26290/2017

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Date of decision : 3rd August, 2017

B4 SECURITY PVT LIMITED

..... Petitioner

Through : Mr. S.K. Gupta, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

**Through : Mr. Dev. P. Bhardwaj, CGSC
for UOI with
Mr. Satya Prakash Singh, Adv.
Mr. Arvind Kr. Verma, Adv.
for R-3**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition has been filed by the petitioner assailing the order dated 1st May, 2017 whereby the respondent no.2 has passed an order under Section 14-B and 7-Q under the Employees' Provident Fund & Miscellaneous Provision Act, 1952.

2. The petitioner has also assailed the notification dated 26th May, 2017 issued by the Central Government enacting Sections 156 to 189 of the Finance Act, 2017, whereby the jurisdiction of matters under

the provident fund enactment has been transferred to the Central Government Industrial Tribunal.

3. It appears that the order dated 1st May, 2017 has been assailed on 4th July, 2017 by the petitioner by way of an appeal before the Central Government Industrial Tribunal. In as much as, no tribunal was functioning, the petitioner has sought protection before us.

4. Mr. Dev P. Bhardwaj, learned Central Government Standing Counsel has handed over copy of a letter dated 2nd August, 2017 received by him from the Central Government Industrial Tribunal cum Labour Court No. II stating that the appeal of the present petitioner has been listed before the CGIT on 9th August, 2017 after scrutiny.

5. Mr. S.K. Gupta, learned counsel for the petitioner further informs us that so far as the challenge to the notification and statutory provision is concerned, the same has been raised before the Supreme Court of India by way of ***W.P.(Civil) No. 561/2017 Social Action for Forest And Environment v. Union Of India & Anr.*** and that by the order dated 28th July, 2017, notice has been issued returnable in two weeks. This writ petition has been tagged with W.P.(Civil) No. 279/2017.

6. We are further informed that there are conflicting pronouncements on the validity of the statute by High Courts of Madras, Bombay and Gujarat. It is submitted that consequently, the petitioner would raise an appropriate challenge so far as the notification is concerned by way of proceedings before the Supreme Court of India.

7. In view of the listing of the appeal before the Central Government Industrial Tribunal, the challenge before this court is rendered infructuous.

8. This writ petition and application are disposed of as not pressed with liberty to the petitioner to raise the challenge to the statute by way of appropriate proceedings.

9. We make it clear that we have not expressed any opinion on the merits of the petitioner's case.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 03, 2017

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