

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24543-2011

Date of Decision:14.02.2018

IFCI Infrastructure Development Limited

... Petitioner

Vs.

The Regional P.F. Commissioner-II, Employees Provident Fund
Organization and others

... Respondents

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

Present : Mr. Chetan Mittal, Sr. Advocate with
Mr. Vishal Aggarwal, Advocate for the petitioner.

Mr. Rajesh Hooda, Advocate for respondent No.1.

Mr. Nitin Kumar, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioners have challenged the order dated 30.12.2011 with reference to pay dues of the defaulter under Section 8-F of the Employees Provident Funds and Miscellaneous Provision Act, 1952 (for short “the Act”).

2. Assessment period is from June 2002 to March 2006 and September 2007 to 30.11.2011. Respondent No.3 had deposited the principal amount relating to EPF belatedly. In the meanwhile, 3rd respondent-company was taken over by 2nd respondent. Land of 2nd respondent was purchased by the petitioner. Consequently, EPF department proceeded to pass order under Section 14-B and 7-Q of the Act relating to damages and interest on the belated deposit of EPF amount. Undisputedly order dated 30.12.2011 (Annexure P-1) was not issued after due procedure like issuance of notice and proposed to determine damages to the tune of Rs.1,91,38,544/- and interest of Rs.95, 60,181/-. On this ground alone, order dated 30.12.2011 (Annexure P-1) is set aside. Reserving liberty to the EPF

department to issue appropriate notice to the concerned parties and after receipt of the reply, EPF department shall pass final order under Section 8-F of the EPF Act. Parties are hereby directed to co-operate in filing reply to proposed show cause notice alongwith supporting documents, if any.

3. Petition stands allowed accordingly.

14.02.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**