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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18220/2005**

SOFTWARE TECHNOLOGY PARKS OF I Petitioner
Through: **Mr.J.K.Singh, Advocate**

versus

ASST. P.F.COMMISSIONER NEW DEL Respondent
Through: **Mr.Tejaswi Kumar Pradhan,**
Advocate

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **04.09.2018**
CM APPL. 35886/2018

The matter is indicated to be listed on 21.1.2019 and taken up on CM No.35886/2018 filed on behalf of the petitioner seeking withdrawal of the present petition *inter alia* submitting to the effect that the application filed by the petitioner qua exemption from applicability of the Employees Provident Fund Scheme, 1952 of the petitioner is now pending consideration before the respondent qua the application filed by the petitioner seeking exemption.

In response to a specific court query, it is submitted by the learned counsel for the respondent that such consideration of grant of exemption to the petitioner is presently pending though vide the application under consideration, the petitioner has simplicitor sought to withdraw the writ petition. It has been submitted on behalf of the petitioner that the petitioner may be permitted to withdraw the present

petition with liberty to seek withdrawal against disallowing of exemption, if any, after consideration of the application of the petitioner. It is submitted on behalf of the respondent that if the prayer made by the petitioner seeking exemption from applicability of the EPF Scheme to the petitioner is not granted, the same amounts to a fresh cause of action in view of the proceedings dated 24.1.2013. Vide the said proceedings itself it was observed to the effect that:

“ Since the petitioner is also a government corporation, in my view, it makes no sense in disregarding the application made by the petitioner and in proceeding to hear this case, as, if eventually the application for exemption is granted, there can be no doubt that the petition would become infructuous.

So as to curtail the litigation between the parties particularly when both sides are limbs of the State, in my view, it would be appropriate that the respondent authority decides the application of the petitioner dated 18.4.1999 in the light of further meetings and documents submitted by the petitioner at the earliest.”

The present writ petition No. 18220/2005 is thus dismissed as withdrawn with liberty granted to the petitioner in accordance with law qua the rejection (if any) of the claim of the petitioner having been filed pursuant to the present petition seeking the non-applicability of exemption from applicability of the EPF Scheme and Miscellaneous Provisions Act, 1952.

ANU MALHOTRA, J

SEPTEMBER 04, 2018/SV