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

+ **W.P.(C) 1769/2017 & CM APPL. 7849/2017**

CENTRAL BOARD OF TRUSTEES EPF Petitioner

Through: Ms.Inderjeet Sidhu, Advocate with
Ms.Suchita Chawla, Advocate.

versus

M/S DELHI PINJARPOLE SOCIETY (REGD)..... Respondent

Through: Mr.Somdutt Kaushik, Advocate with
Mr.Abhinav Srivastava, Advocate.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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16.01.2018

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 and 227 of the Constitution of India feeling aggrieved by the impugned order dated 24.11.2016 passed by the Employees Provident Fund Appellate Tribunal in Appeal No. 681(4)2013 by which damages assessed against the respondent were reduced to 30%.
2. Learned counsel for the petitioner submits that there is no basis for reducing the damages to the extent of 30%.
3. Learned counsel for the respondent submits that the amount of the interest and the damages assessed by the petitioner have not been properly computed. He submits that they were not given the opportunity to make out their case against the order dated 19.08.2013 by which interest and damages were assessed against them.

4. Learned counsel for petitioner submits that in case the respondent submits a fresh representation they will consider the same afresh and issue a fresh assessment of the interest and damages. Learned counsel for the respondent has agreed to the same.
5. The writ petition is disposed of with the consent of the parties with the following directions:
 - (i) the order dated 24.11.2016 passed by Employees Provident Appellate Tribunal is set-aside.
 - (ii) The respondent shall furnish its representation to the petitioner within four weeks, which shall be considered by the petitioner as per law.
6. In view of the above, CM APPL. 7849/2017 also stands disposed of.
7. Order *dasti*.

VINOD GOEL, J.

JANUARY 16, 2018

"shailendra"