

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7506 of 2017

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M/s B. N. C. Bricks, Kalarampur, Munger, Bihar, through its Proprietor
Shankar Prasad Sah, S/o Late Bodhi Sah, resident of Village-Kalarampur,
Nawagarhi, P.S. Nawagarhi, District - Munger.

... .. Petitioner

Versus

1. The Presiding Officer, Employees Provident Fund Appellate Tribunal, New Delhi.
2. The Assistant Provident Fund Commissioner, Adampur Chowk, Sub-Regional Officer, Bhagalpur, District

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Respondent/s : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and

learned counsel for the Employees Provident Fund.

In the present case, the Appellate Tribunal has dismissed the appeal being A.T.A. No.712 (3) of 2016 vide order dated 04.03.2016 on account of fact that the petitioner failed to deposit 30% of the assessed amount as directed by the Appellate Tribunal vide order dated 27.11.2015.

Learned counsel for the petitioner submits that there is a delay of about one month and the petitioner tried to deposit the money before the appropriate authority, but the



authority has refused to take the draft of State Bank of India.

As the appeal has been dismissed on technical ground and the petitioner has given undertaking before this Court that he will deposit the money within one month from today, the order of the appellate authority dated 04.03.2016 is set aside. The matter is remanded back to the Appellate Authority for fresh consideration.

However, it is made clear that if the petitioner fails to deposit the aforesaid assessed amount within one month from today as per his own undertaking, the orders of the Appellate Authority dated 27.11.2015 and 04.03.2016 would be revived automatically.

With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

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