DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6459 OF 2016

Central Board of Trustees, EPF ..Petitioners
vs.
M/s. Patel Engineering Ltd. ..Respondent

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Shri Suresh Kumar for the petitioners.
Shri S.C. Naidu a/w. Shri Anikett Poojari i/b. M/s. C.R. Naidu & Co. for respondent.

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CORAM : M.S.KARNIK, J.

DATE : 10th APRIL, 2019

P.C. :

Heard Shri Suresh Kumar, learned Counsel appearing for petitioners and Shri S.C. Naidu, learned Counsel appearing on behalf of respondent.

2. The petitioner – Central Board of Trustees, EPF, by this Petition filed under Article 226 and 227 of the Constitution of India, challenge the order dated 26/5/2014 passed by the Presiding Officer, Provident Fund Appellate Tribunal, New Delhi (hereinafter referred to as “the Tribunal” for short).

3. It is an admitted position that the beneficiaries in respect of whom the contribution is payable are not identified. In this view of the matter, the Tribunal in paragraph 16 of the order observed that the petitioners could have certainly summoned the employees to give evidence thereby identifying them by their names, wages and period of membership, even took into consideration that the records were not produced. In these circumstances, it was held that the respondents are justified in raising the legal objection. The Tribunal therefore upheld the contention of the respondent that no contribution is payable on behalf of the beneficiaries, who are not identified.

4. Furthermore in paragraph 19, the Tribunal has observed that the petitioners are required to re-quantify employer's Provident Fund contribution and other allied dues for the period mentioned therein and communicated to the respondent the amount due for further remittance. The order of the Tribunal has not been challenged by the respondent and thus attained finality.

5. I am not inclined to interfere with the order passed by the Tribunal, as I do not find any error or perversity in the view taken by the Tribunal. However, the period mentioned in paragraph 19 for re-quantifying the employer's contribution is extended by a further period of 8 weeks from the date of uploading of this order.

6. This order is passed in peculiar facts where the beneficiaries are not identified and that the respondent has also not challenged the order of the Tribunal to the extent it is adverse to them in paragraph 19. In these peculiar facts all questions of law are kept open.

7. With these observations, the Writ Petition is disposed of.

(**M.S.KARNIK, J.**)