

M.R.Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4470 OF 2018

The Central Board of Trustees
through the Assistant P. F. Commissioner ... Petitioner
Vs.
Bharatiya Gyan Vardhini Sabha ... Respondent

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Mr. Suresh Kumar Advocate for Petitioner.
None for the respondent.

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CORAM : M. S. KARNIK, J.
DATE : 27TH MARCH, 2019

P. C. :

1. Heard the learned counsel for the petitioner. None appears for respondent despite service of notice.

2. On 25th February 2019 this Court had passed following order :-

“Office report indicates that respondent is duly served. However none appears for the respondent although Court notice appears to be served. Since respondent are not represented today, Advocate for the petitioner is directed to issue private notice informing the respondent that the petition will be disposed of finally on the next date and that the respondent should arrange for representation, if so advised. Copy of this order shall accompany the notice. Stand over to 13th March 2019.”

3. Mr. Suresh Kumar learned counsel appearing on behalf of the petitioner points out that the respondent is duly served in terms of the order dated 25th February 2019 passed by this Court. As none appears on behalf of the respondent, I have proceeded to decide the matter.

4. Mr. Suresh Kumar, learned counsel for the petitioner points out that the impugned order passed by the Employees Provident Fund Appellate Tribunal, New Delhi is based on the decision of the High Court of Delhi in the case of *Roma Henny Security Services Private Limited Vs. Central Board of Trustees, EFP Organisation through Assistant PF Commissioner, Delhi (North) (2013) 1 LLJ 29 Del.* Learned counsel points out that the decision in Roma Henny Security Services Pvt. Ltd. was challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court has set aside the decision in Roma Henny Security Services Pvt. Ltd and matter has been remitted back to the Delhi High Court. He has also pointed out that this Court by an order dated 28th March 2018 in similar Writ Petition No. 892 of 2018, for the reasons recorded therein, set aside the impugned order and remanded the matter back to the CGIT-II for fresh consideration.

5. In this view of the matter, the impugned order passed by the Tribunal is set aside.

6. The matter is now remitted back to the CGIT-II for fresh consideration. All contentions are kept open. Writ petition is disposed of.

(M. S. KARNIK, J.)