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

+ **W.P.(C) 2772/2019 & CM APPLN.12800/2019 & 12801/2019**

STATE HEALTH SOCIETY (DELHI)

..... Petitioner

Through: Ms. Vibha Mahajan and Ms. Shweta
Bhardwaj, Advocates.

versus

REGIONAL PROVIDENT

FUND COMMISSIONER-I

..... Respondent

Through: Mr. Keshav Mohan, Advocate.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **18.03.2019**

CM APPLN. 12801/2019

Allowed, subject to just exceptions.

W.P.(C) 2772/2019 & CM APPLN.12800/2019

1. Issue notice. Learned counsel for the respondent accepts notice.
2. Learned counsel for the petitioner submits that the petitioner is in the process of filing the appeal against the order dated 27th December, 2018 before the Central Government Industrial Tribunal (CGIT) and the appeal shall be filed positively within two weeks. It is submitted that the statutory period for filing the appeal is 60 days extendable by another 60 days and the said period is expiring on 27th April, 2019. It is submitted that the impugned letter dated 12th March, 2019 issued by respondent to attach the bank accounts of petitioner before the expiry of the statutory period for filing the appeal is not justified. It is further submitted that the petitioner is a society controlled by Delhi Government involved in the eradication of Tuberculosis in National Capital Territory of Delhi.

3. In the peculiar facts and circumstances of this case and considering that the petitioner is a Government society, the impugned letter dated 12th March, 2019 is directed to be kept in abeyance till 15th April, 2019 to enable the petitioner to file appeal before CGIT, meaning thereby that the bank shall not release/transfer the amount to the respondent. The petitioner shall remain bound by the statement made before this Court that the appeal shall be filed within 15 days from today. Upon such appeal being filed, CGIT shall ensure the listing of the same before 15th April, 2019.

4. It is clarified that this Court had not examined the petitioner's case on merits which shall be considered by the Appellate Court. Needless to say that if the order dated 27th December, 2018 is not stayed by CGIT in the appeal, the respondent can revive the letter dated 12th March, 2019 or issue a fresh attachment in accordance with the law.

5. The petition and the pending application are disposed of in the above terms.

6. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MARCH 18, 2019

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