

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Contempt of Court Petition No.9901 of 2018 (O&M)
Date of Decision: February 28, 2020**

IFCI Infrastructure Development Ltd.

.....PETITIONER(s).

VERSUS

Amit Singla and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pawan Kumar Mutneja, Advocate
for the petitioner (s).

Mr. Rajesh Hooda, Advocate
for the respondent (s).

SURINDER GUPTA, J.

Petitioner seeks initiation of contempt proceedings against the respondents for violating order of this Court dated 14.02.2018 (Annexure P-1) passed in CWP-24543-2011. The operative part of the order dated 14.02.2018 reads as follows:-

“..... On this ground alone, order dated 30.12.2011 (Annexure P-1) is set aside. Reserving liberty to the EPF department to issue appropriate notice to the concerned parties and after receipt of the reply, EPF department shall pass final order under Section 8-F of the EPF Act. Parties are hereby directed to co-operate in filing reply to proposed show cause notice alongwith supporting documents, if any.”

Learned counsel for the petitioner has argued that without

passing any order under Section 8-F of Employees Provident Funds and

Miscellaneous Provisions Act, 1952 (For short 'EPF Act') the respondents have issued order to the bank for attachment of the accounts of petitioner for recovery of amount of ₹4,34,28,821/-. Respondent issued a show cause notice (Annexure P-6) to the petitioner to which reply was filed and proceedings were adjourned to 11.10.2018 vide order dated 12.09.2018. On 30.08.2018, a restraint order was passed and a letter was also issued to the Naib Tehsildar Rai, Sonapat on 04.09.2018, which amounts to non-compliance of order of this Court.

Learned counsel for the respondents submits that petitioner has not stated the true facts. In compliance of order dated 14.02.2018 passed in CWP-24543-2011, a notice of demand was issued to the petitioner, copy of which has been placed on file as Annexure R-2. The petitioner submitted reply (Annexure R-3), to which rejoinder (Annexure R-4) was filed by the recovery officer. On 14.08.2018, notice was issued to the petitioner to appear in person on 12.09.2018. As the petitioner was out to dispose of the entire property, a restraint order was passed on 30.08.2018 and the same was sent to Naib Tehsildar, Rai, Sonapat. Thereafter, on 19.09.2018, order under Section 8-B of EPF Act was passed. Petitioner has alleged that no order under Section 8-F of the EPF Act has been passed but the copy of that order has also been placed on file as Annexure P-10. The petitioner has also challenged that order by filing CWP-25699-2018, in which it has deposited the amount in question as per order dated 19.09.2018 under the order of this Court. This petition filed by the petitioner is only a pressure tactic.

As per order dated 14.02.2018 passed in CWP-24543-2011, respondents were directed to pass final order under Section 8-F of EPF Act

after issuing appropriate notice to the concerned parties. The notice was issued and the order under Section 8-F of EPF Act has also been passed. The petitioner is aware of this order and also placed copy of the same on record as Annexure P-10. It has also challenged the same in a separate writ petition.

Learned counsel for the petitioner has argued that proceedings were adjourned to 11.10.2018 on the notice served to the petitioner, as such, order dated 19.09.2018 could not be passed.

This is a point which the petitioner could raise in the writ petition, where he has challenged the order. It is evident that he was issued notice to appear in person on 12.09.2019 and the impugned order has been passed only thereafter. Consequently, there is no violation of order dated 14.02.2018 passed in CWP-24543-2011, calling for initiation of any action against the respondents.

This petition has no merits. Dismissed.

February 28, 2020
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***