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

+ W.P.(C) 13548/2019 & C.M. No.54854/2019 (for stay)

M/S SYBEX COMPUTER SYSTEM (P) LTD. Petitioner

Through Mr.Rajiv Arora, Adv.

versus

ASSISTANT P. F. COMMISSIONER DELHI (EAST).... Respondent

Through Mr.Puneet Garg, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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06.01.2020

1. The present writ petition assails the order dated 20.11.2019 passed by the Employees Provident Fund Appellate Tribunal. Under the impugned order the Tribunal has while admitting the petitioner's appeal assailing the order dated 14.11.2018, passed under Section 14B of the Employees' Provident Funds and Miscellaneous Provident Act, 1952 imposing damages of Rs. 25,17,130/-, directed the petitioner to make a pre-deposit of Rs.5,00,000/- within eight weeks as a condition for stay.

2. After some arguments, learned counsel for the petitioner submits that even though as per the petitioner, it has a prima facie case before the tribunal as the impugned order passed under section 14B of the Act, which is the subject matter of the challenge before the Tribunal, is contrary to various decisions not only of this Court, but also of the Supreme Court, he has instructions to withdraw the

petition. He however submits that the only apprehension of the petitioner is that even after the petitioner's appeal is allowed the amount deposited by the petitioner may not be refunded expeditiously by the Tribunal, as has been the practice. He further prays that the petitioner be granted extension of time till 31.01.2020 to make the deposit in terms of the impugned order.

3. On the other hand, learned counsel for the respondent while submitting that the petitioner's presumption is wholly unfounded submits that in case the petitioner's appeal were to be allowed by the Tribunal, the amount deposited by the petitioner would be duly released in its favour by the Tribunal. He however does not oppose the limited prayer of the petitioner for extension of time to deposit the amount under the impugned order.

4. Accordingly the writ petition along with pending application is dismissed as not pressed. However at request the time for making the deposit in terms of the impugned order is extended till 31.01.2020. It is expected that in case the petitioner's appeal were to be subsequently allowed, the Tribunal will issue appropriate orders for release of the amount in the petitioner's favour in an expeditious manner and preferably within a period of four weeks.

REKHA PALLI, J

JANUARY 06, 2020

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