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

\+ W.P.(CRL) 1150/2020

DELHI GOLF CLUB EMPLOYEES UNION ..... Petitioner

Through: Ms Sunita Bhardwaj, Advocate.

versus

STATE OF NCT OF DELHI AND OTHERS ..... Respondents

Through: Mr Rahul Mehtra, Advocate for R-1 and R-2.
Mr Gourav Liberhan, Advocate for R-4 and R-5.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **29.07.2020**

[Hearing held through video conferencing]

CRL.M.A. 10121/2020 & CRL.M.A. 10122/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1150/2020 & CRL.M.(BAIL) 7755/2020

2. The petitioner has filed the present petition, *inter alia,* praying that directions be issued to respondent no.1 to prosecute respondent no.4 and 5 for default in payment of Employees Provident Fund Contribution in respect of 60 members of the petitioner association.

3. The petitioner is an association of employees of the Delhi Golf Club, which is a company registered under Section 8 of the Companies Act, 2013. The petitioner claims that 60 of its members, who were employees of the Delhi Golf Club, have not been received the PF contribution for the period

July 2017 onwards, in their respective accounts. This would include not only the employer's contribution but employees contribution as well. It is also averred that respondent no.5 (Delhi Golf Club) has also not paid any interest on the delayed payments of PF contribution.

4. Mr Liberhan further states that the petitioner has averred in the petition that the EPF contribution has not been deposited from July, 2020 onwards. He drew the attention of this Court to para 4.22 of the petition. He states that the services of the employees in question had been discontinued with effect from 31.05.2020 and, therefore, there is no question of depositing the PF contribution from June, 2020 onwards.

5. Ms Bharadwaj, the learned counsel appearing for the petitioner states that a typographical error has crept into para 4.22 of the petition and petitioner's claim is only in respect of provident fund contribution from July 2017 onwards till the services of the said employees were discontinued (that is 31.05.2020).

6. Mr Liberhan, submits that the Delhi Golf Club disputes that it has defaulted in payment of any EPF dues as alleged. He states that all PF dues in respect of its employees were duly deposited and there is no default on the part of the Delhi Golf Club. He further submits that interest on the delay, if any, has also been deposited. He contends that the said contribution has not been reflected in the accounts of the concerned erstwhile employees on account of technical glitch in the system of the EPFO and the Delhi Golf Club is not responsible for the same.

7. Mr Rahul Mehra, learned counsel appearing for respondent no.1 (Central Provident Fund Commissioner, Employees Provident Fund Organisation) states that the petitioner's grievance would be examined and if

it is found that Delhi Golf Club has defaulted in complying with any statutory provisions, the necessary proceedings would be instituted in accordance with law. Respondent no.1 is bound down to the said statement. It is further directed that if the Delhi Golf Club is found to be in default of its statutory obligations, the such proceedings be initiated as expeditiously as possible and in any event within a period of three weeks from date.

8. No further orders are required to be passed in the said petition. The same is disposed of.

VIBHU BAKHRU, J

JULY 29, 2020
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