

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5116 OF 2021**

- Gram Sewa Samiti, through Shri Ajay Tiwari, S/o Late Kanhaya Prasad Tiwari, aged about 71 years, Occupation Secretary, Gram Sewa Samiti, Katchari Chowk, Raipur (C.G.)

... Petitioner**versus**

1. Commissioner, Provident Fund Office, Block D, Scheme No.32, Indira Gandhi Parisar, New Bus Stand, Raipur (C.G.)
2. Indra Shekhar Tripathi, S/o Ram Kripal Tripathi, aged about 70 years, Occupation Retired Manager, Kendriya Khadi Vastragar, Pandara, Tarai, Raipur (C.G.). Present R/o Khanna Chouraha, Nera Ramlila Ground, Ghoghar, Rewa (M.P.)

... Respondents

For Petitioner	:	Mr. Ashok Patil, Advocate.
For Respondent No.1	:	Mr. Sunil Pillai, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[01/10/2021]**

1. Challenge in the present Writ Petition is to Annexure P-10 dated 26.7.2021 passed by Respondent No.1.
2. The impugned document (Annexure P-10) is a summons notice issued to Petitioner by Respondent No.1 - Provident Fund Commissioner under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, "the Act of 1952").
3. Matter pertains to the employees' provident fund contribution in respect of Respondent No.2, an employee of Petitioner establishment.
4. Considering the fact that the notice under challenge is a summons notice issued by the competent Authority under the Act of 1952, this Court at this juncture is of the opinion that the present Writ Petition in its present form is not maintainable, for the reason that all that is required from Petitioner is to enter appearance before Respondent No.1 and submit his reply with all relevant documents and upon the reply being submitted the

Respondent Authority is take appropriate action in accordance with the provisions of the Act of 1952. Petitioner seems to have approached this Court without submitting reply to the concerned Authority, therefore, the Writ Petition is not maintainable.

5. Writ Petition therefore is disposed of permitting the Petitioner to enter appearance before Respondent No.1 and submit their reply to the concerned Authority who in turn shall consider the contents of the reply and thereafter shall take an appropriate decision in accordance with the provisions of the Act of 1952, at the earliest.

6. Writ Petition accordingly stands disposed of.

/sbarad/

Sd/-
(P. Sam Koshy)
Judge