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

-.-

CM 4991-CWP-2022 in/and  
CWP-4608-2005 (O&M)  
Date of decision: 25.07.2022

*M/s Fertilizer Cooperative Employees Co-op.* .....*Petitioner*

***Versus***

*Regional Provident Fund Commissioner and another* .....*Respondents*

**Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

-.-

Present: Mr. Ashwani Talwar, Advocate for the petitioner

Mr. Rajesh Hooda, Advocate for respondent No. 1

-.-

**Rajbir Sehrawat, J. (Oral)**

The present writ petition has been filed under Articles 226/227 of Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing impugned orders dated 08.02.2005 (Annexure P-1) and orders dated 03.01.2002 (Annexure P-2) passed by respondents No. 2 and 1, respectively whereby without taking into consideration the provisions of Section 16(1) (a) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, the petitioner society has been brought under the purview of the said Act and has been served upon a notice to deposit Rs.7,54,612 with respondent No. 1 for the period from 04/1998 to

10/2004.

At the very outset, counsel for the petitioner has submitted that since the amount already stands deposited, therefore, the petitioner is no more interested in pursuing the present writ petition. Counsel for the petitioner has produced on record letter dated 17.09.2014 along with copies the challans, showing that the disputed amount has already been deposited with the respondents. Counsel has also pointed that the payment made to the respondents is in excess of the liability of the petitioner as assessed by the respondents.

Be that as it may, the present writ petition is dismissed as not pressed. However, the petitioner would be at liberty to claim the refund from the respondent authority; qua the excess amount, if any.

CM-4991-CWP-2022

Since the main writ petition is dismissed as not pressed, no further order is required to be called in the the application for vacation of stay and the same is disposed of as such.

**(Rajbir Sehrawat)**  
**Judge**

25.07.2022

Mohan Bimbura

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No