

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

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CWP No.19764 of 2011 (O&M)
DATE OF DECISION : 22nd APRIL, 2022

**The British India Corporation Ltd, New Egerton Woolen Mills
Branch, Dhariwal, Punjab through its Assistant Manager, Law
.... Petitioner**

Versus

**The Regional Provident Fund Commissioner, Employees Provident
Fund Organisation, Amritsar, Punjab & others
.... Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Puneet Sharma, Advocate for the petitioner.

Mr. Sanjay Tangri, Advocate for the respondents.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226 and 227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the (i) impugned order dated 29.07.2011 (Annexure P-20) passed by EPFAT (ii) impugned order dated 25.08.2009 passed by respondent No.2 (Annexure P-13) (iii) two impugned orders dated 30.09.2011 (Annexures P-21 & 22) also passed by respondent No.2; along with certain other prayers.

The counsel for the respondents has pointed out that the issue involved in the present petition is: whether the EPF can be recovered from a unit which has gone to the proceedings under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 (in short, SICA). The said aspect has already been considered and decided by a Division Bench of this court in the case of *M/s. S. B. Packagings Ltd. Versus Provident Fund Commissioner, 2009(2) SLR 536*.

A perusal of the above said judgment, relied upon by counsel for the respondents, shows that the precise point involved in the said case was maintainability of Section 22 of the Employees Provident Fund and Misc. Provisions Act, 1952, (in short, the EPF Act) in a case where the proceedings under SICA had been initiated. The Division Bench has held that the provisions of the EPF Act shall prevail over the provisions of SICA.

In view of the above, this court finds that the matter is covered by the Division Bench judgment of this court rendered in *M/s. S. B. Packagings Ltd. (supra)*. Hence the present petition is dismissed.

22nd APRIL, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No