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

CWP No.33350 of 2019
Date of Decision: 18.05.2022

FOOD CORPORATION OF INDIA

.....Petitioner

Versus

EMPLOYEES PROVIDENT FUND ORGANIZATION AND ANR

........Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. K.K. Gupta, Advocate and
Mr. Vaibhav Gupta, Advocate for the petitioner.

Mr. Sanjay Tangri, Advocate,
for respondent No.1.

Mr. Dhruv Khana, Advocate for
Ms. Madhu Dayal, Advocate for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ, order or direction especially in the nature of Certiorari for quashing the orders (Annexures P-1 to P-6), with certain other prayers made in the present petition.

It is not even in dispute that the petitioner has preferred the statutory appeal; before the Appellate Authority; against the order passed by the respondents assessing the liability of the petitioner. The limited grievance in the present petition is that the respondent-authorities have got the money of the assessed amount transferred to their account from the bank account of the petitioner; by instructing the banker of the petitioner even before the statutory period of 60 days, i.e. prescribed period for filing the appeal.

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As of today, since there is a statutory order of assessment and the amount stated to have been got transferred to the respondents is not more than the liability assessed, therefore, it would not be appropriate to keep the matter pending here. The petitioner can prosecute his statutory appeal by raising all the pleas, which are raised in the present petition.

In view of the fact that the statutory appeal already stands filed, this Court does not consider it appropriate to continue with the present petition any more. Therefore, the present petition is disposed of with liberty to pursue the statutory appeal.

However, it is ordered that in case the appeal of the petitioner is allowed by the Appellate authority, then the petitioner shall be entitled for interest at the same rate which the respondents charge for the assessed outstanding amount, but only for the period of 60 days; in addition to any other relief which the Appellate Authority may grant to the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No

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