



\$~63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 12753/2022, CM APPL. 38740/2022****ASHISH CHAND & ANR.**

..... Petitioners

Through: Mr. Swapnil Gupta and Ms.Sabhya
Jain, Advs.

versus

EMPLOYEES PROVIDENT FUND ORGANISATION & ORS.

..... Respondent

Through: Mr. Shivanath Mahanta, Adv. for R-1
(through VC)

%

Date of Decision: 5th September, 2022**CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)**

1. The present writ petition has been filed for quashing of impugned notice dated 11th August, 2022 passed bearing No.RO/Delhi(3)/RECOVERY/DSNHP/1701330 qua the petitioners for recovery of arrears due from M/s Picture Time Digiplex Pvt. Ltd. (respondent No.2) in respect of the Recovery Certificate RCC No. DSSHD/1701330/21/04/2022/510/35/249 dated 25/04/2022 amounting to Rs. 12, 25,926/- .
2. Learned counsel for the petitioner submits that petitioners were merely investors and were appointed as Director. The petitioner resigned on 19th March, 2022 and they have no concern with the affairs of the company.



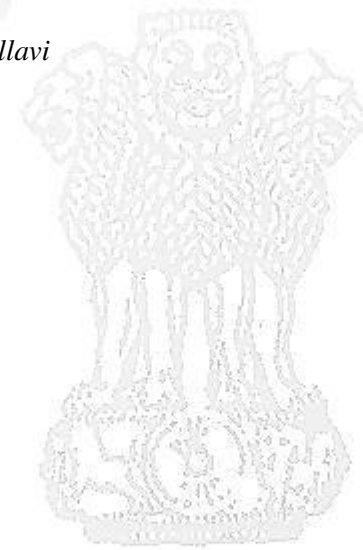
3. Learned counsel submits that that on account of the recovery certificate issued by the respondent No.1, the respondent No.3- HSBC, has made Account No. 051540193006 of Petitioner No.1 and Account No.051533784006 of Petitioner No.2 non operational.
4. Learned counsel for the respondent No.1 states that the writ petition is not maintainable at all, as the petitioners are required to file an appeal as provided under Section 7 (i) of the Employees Provident Fund And Miscellaneous Provisions Act 1952.
5. Learned counsel submits that thus the present writ is liable to be dismissed out rightly in view of the equally efficacious remedy being available with the petitioners.
6. Learned counsel for the petitioner submits that he may be permitted to withdraw the present writ petition with liberty to file an appeal before the appropriate authority as provided under the Employees Provident Fund And Miscellaneous Provisions Act 1952. However, learned counsel submits that in the meantime, the amount of Rs.12, 25,426/- may be secured and the petitioner may be allowed to operate his bank account bearing Account No. 051540193006 of Petitioner No.1 and Account No.051533784006 of Petitioner No.2.
7. In view of the submissions made, the respondent No.3, HSBC is directed to secure an amount of Rs.12, 25,426/- from either of the account bearing Account No. 051540193006 of Petitioner No.1 and Account No.051533784006 of Petitioner No.2 and allow the petitioners to operate their accounts. Amount of Rs. 12, 25,426/- shall be subject to the order passed by the appropriate authority on appeal being filed by the petitioners.



8. With these observations, the present writ petitions along with the pending application is disposed of as withdrawn with liberty to file the appeal within four weeks.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2022/Pallavi



न्यायमेव जयते