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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13009/2022 & CM APPL.39415/2022 (stay)

JAYPEE HEALTHCARE LIMITED Petitioner

Through: Mr. S.K. Gupta, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER

..... Respondent

Through: Mr. Shivanath Mahanta, Advocate.

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Date of Decision: 07th September, 2022.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed challenging the order dated 08.08.2022, whereby, the learned Central Government Industrial Tribunal (CGIT) taking into account the averments of the petitioner, rejected the plea of total waiver of the condition of pre-deposit. However, the amount of pre-deposit was reduced from 75% to 40%. The petitioner was directed to deposit 40% of the assessed amount within 6 weeks from the date of the impugned order towards compliance of the provisions of Section 7-O of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 by way of an FDR in the name of the Registrar, CGIT. The petitioner has challenged the



impugned order on the ground that in fact there is no liability towards the petitioner Company.

2. Learned counsel for the petitioner has submitted that even as per the investigation conducted by the concerned officer, it was found that the PF was deposited for each and every employee. Learned counsel for the petitioner has further submitted that there are financial hardships and the petitioner Company is not in a position to deposit 40% of the amount. Learned counsel for the petitioner has further submitted that the petitioner Company is suffering acute financial losses, as reflected in the Certificate issued by Ayush Jain & Associates, Chartered Accountants.

3. Learned counsel for the petitioner has relied upon the judgment of this Court in the case titled *M/s. Riding Consulting Engineers India Limited vs. Assistant P.F. Commissioner* in W.P.(C) 1882/2021 dated 13.07.2021, whereby this Court has reduced the amount of pre-deposit.

4. Learned counsel for the respondent has opposed the present writ petition on the ground of maintainability. It has been submitted that this is a discretionary order and this Court in its writ jurisdiction cannot interfere into the same.

5. Without going into the merits of the case and taking into account the submissions of the parties, the amount of pre-deposit is reduced from 40% to 20%. Petitioner is directed to deposit 20% of the total amount within 6 weeks by way of an FDR in the name of the Registrar, CGIT, initially for a period of one year with provision for auto-renewal. On the deposit of the amount, the appeal shall be admitted and decided in accordance with law by



the learned CGIT. In case, the petitioner fails to deposit the amount within 6 weeks, the respondent shall be entitled to take appropriate steps for realization of the total amount.

6. With these observations, the present petition along with pending application stands disposed of.

SEPTEMBER 07, 2022
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DINESH KUMAR SHARMA, J

