

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

**CWP-4555 of 2005 (O&M)
Date of decision : 19.10.2023**

Punjab Recorders Ltd and Anr

....Petitioners

Versus

The Regional Provident Fund Commissioner Pb. And UT, Chd and Anr

....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ajay Pal Singh, Advocate for the petitioners.
Mr. Rajesh Hooda, Advocate for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

CM No.6711 of 2022

Prayer is for early hearing of the writ petition.

Having heard learned counsel for the parties and on perusal of grounds pleaded in the application, the same is allowed. Writ petition is taken on board today itself.

CWP No.4555 of 2005 (O&M)

Present petition has been filed for issuing directions/modification of order dated 09.02.2005 passed by respondent No.2-Employees Provident Fund Appellate Tribunal (for short “the Tribunal”) to the extent that interim protection

made absolute and the petitioner-Company be exempted from deposit of fifty per cent of the impugned amount of the damages.

Vide order dated 22.03.2005, this Court while issuing notice of motion observed as under:

“Contends that against the total demand of Rs.10,33,094.00, the petitioners have already requested for adjustment of excess payment of about Rs.5 lacs as has also been noticed in the impugned order (Annexure P.12).

Notice of motion for 25.04.2005.

Meanwhile, coercive steps in terms of Annexures P.6,P.7 and P.8 for recovery of disputed amount shall remain stayed.”

It is reflected from the abovesaid order that the respondents had been restrained from taking coercive steps as per Annexures P.6,P.7 and P.8. Annexure P.6 is order dated 12.01.2005 for attachment of Immoveable property, Annexure P.7 is warrant dated 12.01.2005 for attachment of moveable property while Annexure P.8 happens to be warrant of arrest dated 19.01.2005 for effecting recovery from the defaulter.

Learned counsel for the applicant-respondent contends that on account of pendency of the present writ petition and the aforesaid interim order, the Appellate Tribunal has not even decided the pending appeal. He contends that he has no objection to the aforesaid interim order being continued till adjudication of the appeal by the Appellate Tribunal.

Learned counsel for the petitioner has no objection to the same.

Accordingly, present petition is disposed of with liberty to the parties to pursue their pending appeal before the Appellate Tribunal. Operation of order dated 22.03.2005 shall continue till adjudication of the pending appeal before the Appellate Tribunal. Since the matter pertains to the year 2005 and

remained pending for long, it is expected that the Appellate Tribunal shall endeavour to dispose of the appeal as expeditiously as possible after affording opportunity of hearing to both the respectively parties.

All the pending civil Misc application(s), if any, shall stand disposed of.

19.10.2023
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(VINOD S. BHARDWAJ,)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : Yes