

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

**CM-17646-CWP-2023 in/and
CWP-12172-2023
Date of Decision: 13.10.2023**

Soorya21 Nextech Private Limited

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prashant Puri, Advocate
for the applicant/petitioner.

Mr. Vivek Sethi, Advocate
for respondents No.3 and 4.

HARSH BUNGER J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of order of attachment dated 01.12.2020 (Annexure P-1) passed by respondent No.3, whereby an amount of Rs.15,91,17,540/- was stated to be due under the provisions of the Employees Provident Fund and Miscellaneous Provision Act, 1952, however, the petitioner was never served with any notice under Section 7A or Section 8B of the Employees Provident Fund Act, 1952 for determination/adjudication of the amount mentioned above and the liability of payment of the said amount, vide order dated 23.01.2020 (Annexure P-5)

and order dated 21.12.2020 (Annexure P-6), has been fixed upon

respondents No.5 in proceedings under Sections 7A and 8B of the Employees Provident Fund Act, 1952, being the Principal Employer. A further prayer has been made to restrain the respondents from further proceeding against the petitioner in the proceedings arising out of and in consequence of attachment order dated 01.12.2020 as well as orders dated 23.01.2020 and 21.12.2020, until the liability, if at all, is determined afresh after participating the petitioner in the said process as the amount assessed and sought to be recovered, i.e. Rs.15,91,17,540/-, is *ex facie* illegal, exorbitant and without any basis.

2. Now, the petitioner has filed an application (CM-17646-CWP-2023) with a prayer for withdrawal of main writ petition, i.e. CWP-12172-2023.

3. Learned counsel for the applicant/petitioner submits that he may be permitted to withdraw the main writ petition (CWP-12172-2023) with liberty to the applicant/petitioner to assail the order dated 01.12.2020, in accordance with law, and available remedies before the competent Court of jurisdiction.

4. Notice in the application.

5. At this stage, Mr. Vivek Sethi, Advocate accepts notice on behalf of non-applicants/respondents No.3 and 4 and raises no objection to the prayer made in the said application (CM-17646-CWP-2023).

6. Keeping in view the aforesaid submissions of learned counsel for the parties as well as the reasons mentioned in the application, the same is allowed.

7. The present petition is accordingly dismissed as withdrawn with the liberty, as prayed for by learned counsel for the petitioner in the

aforesaid application.

8. All pending application(s), if any, shall also stand closed.

13.10.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No