

2023:PHHC:118720

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-17867-2023
Date of Decision: 11.09.2023

Anand College of Nursing For Women, Jethuwal, Amritsar
..... Petitioner

Versus

Employees Provident Fund Organization and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Sanjay Tangri, Advocate
for the respondents.

HARSH BUNGER J. (ORAL)

1. The instant petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of *certiorari* for quashing/modification of impugned order dated 07.07.2023 (Annexure P-1) passed by the Presiding Officer, Central Government Industrial Tribunal-I, Chandigarh in E.P.F. Appeal No.5 of 2023 titled as “*M/s Anand College of Nursing For Women Vs. E.P.F.O., Amritsar through its Assistant Provident Fund Commissioner*”, vide which the petitioner-College has been directed to deposit 45% of the total assessed amount of Rs.46,35,882/- with respondent-Department as a condition precedent for interim stay. A further

prayer has been made for issuance of a writ in the nature of *mandamus* for relaxing/modifying the condition imposed in the aforesaid impugned interim order dated 07.07.2023 (Annexure P-1) and allowing the statutory appeal filed by the petitioner-College to be heard without any condition of pre-deposit and to be decided on merits. Petitioner-College has also made a prayer for grant of permission to comply with interim order dated 07.07.2023 (Annexure P-1) by way of bank guarantee.

2. At the outset, learned counsel for the petitioner submits that he does not challenge the impugned order dated 07.07.2023 (Annexure P-1) passed by the Appellate Authority with regard to reducing the amount to be deposited by the petitioner-College up to the extent of 45%, however, he submits that the petitioner-College may be permitted to deposit the said amount by way of four installments.

3. Learned counsel for the respondents does not raise any serious objection to the aforesaid course of action being followed by the petitioner-College.

4. Keeping in view the aforesaid submissions made by learned counsel for the respective parties, the petitioner-College is permitted to deposit the amount in question by way of four monthly installments, out of which, the first installment is to be deposited on 18.09.2023 and the remaining installments to follow on the monthly basis.

5. In case of any default on the part of petitioner-College with regard to depositing any of the installments, the entire payable amount or the balance amount payable (in case default is after payment of one or two installments), as the case may be; shall become payable in one go.

- 6. The present petition is disposed of in the aforesaid terms.
- 7. All pending application(s), if any, shall also stand closed.

11.09.2023
Apurva

(HARSH BUNGER)
JUDGE

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