

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

**CWP-794-2011
Date of Decision: 02.08.2023**

M/s Rita Machines India Pvt. Ltd.

..... Petitioner

Versus

Employees' Provident Fund, Appellate Tribunal, New Delhi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Rajesh Hooda, Advocate
for respondents No.2 to 4.

HARSH BUNGER J.

1. Present petition has been filed on behalf of the petitioner under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of orders dated 31.05.2010, 29.04.2002 and 04.10.2010 (Annexures P-4, P-1 and P-5, respectively) passed by respondents No.1 and 3. A further prayer has been made for issuance of directions to respondents No.2 and 3 to not charge interest @ 12% twice and refund a sum of Rs.3,02,391/-.

2. On the last date of hearing (12.07.2023), the following was passed by this Court:-

“CM-9280-CWP-2023

This is an application filed under Section 151 CPC for dispensing of fine imposed by this Court, vide order dated

10.2.2023.

On 10.02.2023, the following order was passed by a coordinate bench of this Court :-

“On 04.07.2023, it was made clear that no further adjournment shall be granted.

Today also none has appeared on behalf of the petitioner.

In view of the facts and circumstances of the case, further indulgence in favour of the petitioner for arguing the case on merits shall be subject to deposit of an amount of Rs. 5,000/- as cost(s) in Poor Patient Welfare Fund, PGIMER, Chandigarh,

Adjourned to 12.07.2023.”

Thereafter, the instant application (CM-9280-CWP-2023) was filed.

Today, again an adjournment has been sought on behalf of counsel for applicant-petitioner. A perusal of application reveals that the following averment has been made in para 2 and 3 :-

“2. That the counsel for the petitioner Mr. Vaibhav Sharma is recently appointed by the petitioner as an arguing counsel as the previous counsel Mrs. Upasana Dhawan was appointed as an Assistant Advocate General Haryana.

3. That the case was listed for 10.02.2023 and the reason for non appearance of counsel for the petitioner Mr. Vaibhav Sharma as one day before the date of hearing grandfather of the arguing counsel died and due this unfortunate incident counsel for the petitioner Mr. Vaibhav Sharma was not able to file adjournment slip.”

However, a perusal of Vakalatnama would show that the Authorised Signatory of petitioner has signed the same on 18.05.2023. Thus, no ground is made out for dispensing of fine imposed by this Court, vide order dated 10.02.2023.

Dismissed.

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List on 2.8.2023.

*In the meantime, compliance of order dated 10.02.2023
be made.”*

3. Today, there is no representation on behalf of the petitioner and neither order dated 10.02.2023 has been complied with. It appears that the petitioner is not interested in pursuing the instant matter any further.
4. In view of the above, the present petition is dismissed for non-prosecution.
5. All pending application(s), if any, shall also stand closed.

02.08.2023

Apurva

**(HARSH BUNGER)
JUDGE**

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