

M/s Doaba Wine Company

...Petitioner

Versus

Assistant Provident Fund Commissioner and another

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Supriya Garg, Advocate for the petitioner.

GURBIR SINGH, J. (ORAL)

1. Learned counsel for the petitioner submits that establishment of petitioner does not fall as defined in the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (Annexure P-4) hereinafter to be called as (EPF Act). As per impugned order dated 27.02.2024 (Annexure P-7), notice in the application under Section 7-O of the EPF Act has been issued to the respondent but still without considering that the establishment of the petitioner does not fall in the category of establishment as defined in the EPF Act. Reliance is placed upon *Tenneco Automotive India Private Limited Vs. Regional Provident Fund Commissioner, 2022 SCC OnLine Del 458.*
2. After arguing for some time, learned counsel for the petitioner submits that petitioner would be satisfied if deposit of 30% of the assessed amount as a pre-condition under Section 7-A of the Act is stayed till the disposal of the application under Section 7-O of the Act.
3. In view of the submissions made by the learned counsel for the petitioner, the present petition stands disposed of with a direction to the learned Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh not to force the petitioner for deposit of 30% of the assessed amount till the disposal of the application under Section 7-O of the Act in accordance with law.

02.04.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No