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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1552-2024 (O&M)
Date of decision: 11.07.2024

Regional Provident Fund Commissioner, Regional Office, Employees
Provident Fund Organization, Chandigarh and another

.....Appellants

V/s

Sushil Kumar Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rajesh Hooda, Advocate
for the appellants.

DEEPAK SIBAL J. (ORAL)

1. Learned counsel for the appellants contends that through the impugned order the learned Single Judge has granted interim stay to the respondents which order needs to be set aside *inter alia* for the following reasons:-

- a) The interim stay has been granted without notice or grant of any opportunity to the appellants;
- b) Through the impugned interim order the respondents have virtually been granted the main relief prayed for by them through their petition and that
- c) The effect of the interim order passed in the present case as also the connected matters have resulted in financial loss of about Rs. 30 crores to the appellants from January 2023 till May 2024.

2. On perusing the impugned order, we found that the interim stay granted therein is in terms of the interim stay already granted in a similar connected



petition being CWP-10992 of 2023 in which petition Mr.

Hooda very fairly stated that the appellant has already filed an application seeking vacation of the grant of interim stay and that in the said application notice has also been issued but the same remains pending for the last about eight months.

3. In the light of the afore fact, we questioned the maintainability of the present appeal.

4. On being confronted as above, Mr. Hooda stated that at this stage, the appellants would be satisfied if it is permitted to withdraw the present appeal with a direction to the learned Single Judge to dispose of the application filed by the appellants for vacation of stay in a time bound manner.

5. In the afore peculiar facts of this case, we accept the alternate prayer made on behalf of the appellants and dispose of the appeal with a request to the learned Single Judge to take the main writ petition filed by the respondents or at least the application filed by the appellants seeking vacation of the interim order on priority basis, subject to, of course, the convenience of the learned Single Judge.

6. All pending miscellaneous application(s), if any, shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

11.07.2024
Sapna

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