



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

119

CWP-24604-2024

Date of Decision : 24.09.2024

M/S J B ENTERPRISES

.... PETITIONER

V/S

CENTRAL BOARD OF TRUSTEES AND ANOTHER

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Manoj Loomba, Advocate (through VC) and
Mr. Jagdeep Singh Bajwa, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 28.12.2023 (Annexure P-4) whereby Regional Provident Fund Commissioner, Faridabad has created liability against the petitioner under Section 7-Q and 14-B of Employees Provident Fund & Miscellaneous Provisions Act, 1952 (for short '1952 Act').

2. The petitioner has preferred an appeal against order dated 28.12.2023 before Appellate Authority. The said appeal was filed along with an application seeking stay of pre-deposit. The Appellate Authority has stayed payment qua damages under Section 14-B, however, no stay qua interest under Section 7-Q has been granted.



3. Mr.Manoj Loomba, Advocate submits that Tribunal has not granted stay qua interest payable under Section 7-Q, thus, he has chosen to file writ petition before this Court assailing order dated 28.12.2023 passed by Regional Provident Fund Commissioner, Faridabad.

4. The petitioner is assailing order dated 28.12.2023. It is not seeking stay of interest whereas prayer is qua seeking setting aside of order dated 28.12.2023 whereby liability of interest and damages was created by respondent. The petitioner has concededly filed an appeal against the said order. Appeal is not confined to damages whereas it is qua interest and damages. The petitioner cannot avail two remedies with respect to same order. It is a settled proposition of law that if an aggrieved person prefers appeal, he would not be permitted to file writ petition.

5. Dismissed.

24.09.2024

anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No