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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8667/2024, CM APPL. 35448/2024 & CM APPL. 35449/2024**

**M/S INDIAN COFFEE WORKERS
COOPERATIVE SOCIETY LTD.**

..... Petitioner

Through: **Mr. Ashok K. Goyal, Mr. Rishi
Singhal, Mr. Mahendra Pratap Singh,
Advocates**

versus

**EMPLOYEES PROVIDENT
FUND ORGANIZATION**

..... Respondent

Through: **Mr. B.B. Pradhan and Mr. Shivanath
Mahanta, Advocates**

**CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN
ORDER**

% **21.06.2024**

1. The present petition is filed under Articles 226 and 227 of the constitution for issuance of directions for setting aside the order dated 22.03.2024 passed under section 14-B of the Employees Provident Funds and Miscellaneous Provision Act, 1952 and also to direct the respondent to give the benefit of circular dated 15.03.2020. The petitioner made the following prayer:-

**(a) Call for the record of the impugned order passed by
the respondent and then peruse the record of the matter;**

**(b) Issue the writ of certiorari or any other writ/ direction
by exercising its powers of Superintendence/ writ and set
aside the impugned order dated 22.03.2024 of the
respondent.**



(c) Issue the writ of mandamus or any other writ/ direction by exercising its power of superintendence / writ and direct the respondent to gave the benefit of the circular issued by EPFO no. C-I/Mics/2020- 21/Voll/1112 dated 15.05.2020 of Sh. Jag Mohan, Addl. CPFC (Hqr.) compliance & legal, Employees' Provident Fund Organization, New Delhi.

(d) Pass such other or further orders as this Hon'ble court may deem fit and proper under the facts of the present case in favour of the petitioner and against the respondent.

(e) Award the costs of this petition.

2. Mr. B.B. Pradhan, Advocate for the respondent who appeared on advance notice stated that the appropriate remedy for the petitioner is to file an appeal before the Appellate Tribunal constituted under the Employees Provident Funds and Miscellaneous Provision Act, 1952. He further stated that the said Appellate Authority after vacation would start functioning from 01.07.2024.

3. Accordingly, the present petition is disposed of with the direction to the Appellate Authority to decide the appeal bearing diary no. 445 dated 20.05.2024 preferably on or before the 31.07.2024 in accordance with law. The petitioner shall be at liberty to take all the pleas and contentions in support of his claim before the appellate authority.

4. The present petition is disposed of along with pending applications, if any.



5. The copy of this order be given *Dasti* to the counsel for the petitioner.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 21, 2024

Sk/abk