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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9377/2024 & CM No. 38519/2024**

**RAKESH PAUL SINGH**

.....Petitioner

Through: **Mr. Jitendra Kumar Singh, Advocate.**

versus

**REGIONAL PROVIDENT FUND COMMISSIONER & ANR.**

.....Respondents

Through: **Mr. Siddharth, Standing Counsel with  
Mr. Anshul Saxena and Mr. Harshit  
Manwani, Advocates for Respondent  
No. 1.  
ASI Sushil Kumar, P.S. Vasant Kunj,  
South.**

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**11.07.2024**

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1. **Mr. Rakesh Paul Singh, the Petitioner, has invoked Article 226 of the Constitution of India, 1950 to seek the following reliefs:**

*“1. Issue a writ of Mandamus thereby directing the Respondent No. 1 & 2 to stop harassing the respondent for the Act that he has not committed.*

*2. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the Respondent number 1 herein to take apposite stringent action against the concerned delinquent officers for their illegal acts of transgression and for harassing the petitioner.”*

2. **The Petitioner's grievance raised in the instant petition concerns alleged harassment by the Respondents, who are compelling him to join the**



proceedings under the Employees Provident Fund and Miscellaneous Provisions Act, 1952<sup>1</sup> for non-payment of dues by one M/s Jupiter Enterprises. According to the Petitioner, this firm is a proprietary concern of his brother. However, even after informing the Respondents of the above fact, they are unlawfully insisting upon the payment of arrears by the Petitioner. The Petitioner contends that the Respondents' impugned action curtail his personal liberty, and accordingly, he seeks the afore-noted directions from this Court.

3. Mr. Siddharth, counsel representing Respondent No. 1, refutes the Petitioner's allegations and has produced several documents evincing that the Petitioner previously participated in the enquiry under the EPF Act against Jupiter Enterprises, as its proprietor. These documents include: (a) Letter of Authorization issued by the Petitioner in favour of one Mr. Rajinder Singh, authorizing him to represent Jupiter Enterprises in the proceedings under the EPF Act, (b) Order dated 15<sup>th</sup> May, 2015 of the Assistant Provident Fund Commissioner, Compliance-III recording the presence of Mr. Rajinder Singh (the authorized representative) for Jupiter Enterprises, (c) Show-cause notice issued on 01<sup>st</sup> January, 2020 to the Petitioner for non-payment of arrears by the establishment – Jupiter Enterprises, and (d) Warrant of arrest dated 05<sup>th</sup> June, 2024 of the Petitioner due to the failure to make payments of Jupiter Enterprises. The afore-noted documents are taken on record.

4. Mr. Siddharth argues that under Section 2(e) of the EPF Act, the Petitioner is an “employer” of Jupiter Enterprises. Furthermore, after the conclusion of the enquiry and as per the final assessment, an amount of Rs.

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<sup>1</sup> “EPF Act.”



3,47,348/- was found to be due and recoverable from Jupiter Enterprises. As the Petitioner failed to respond to the show-cause notice issued on 01<sup>st</sup> January, 2020, an arrest warrant was issued against him on 05<sup>th</sup> June, 2024. Therefore, the allegations of undue harassment raised in the petition are unfounded.

5. In view of the afore-noted submissions of Mr. Siddharth, Mr. Jitendra Kumar Singh, counsel for the Petitioner, undertakes, on behalf of his client, that the Petitioner shall appear before the office of the concerned Recovery Officer on 15<sup>th</sup> July, 2024 at 11 AM to respond to all their queries.

6. Mr. Singh requests that the copies of the documents relied upon by Respondent No. 1 be provided to the Petitioner, to which, Mr. Siddharth states that copies shall be furnished during the course of the day.

7. In light of the foregoing, since the Respondents are proceeding as per the procedure prescribed under the EPF Act, the Court is not inclined to entertain the present petition.

8. Accordingly, the present petition is dismissed.

**SANJEEV NARULA, J**

**JULY 11, 2024**

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