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

(217) **CWP-19146-1997 (O&M)**
Date of Decision : April 24, 2025

Punjab State Electricity Board, Patiala **.. Petitioner**

Versus

Regional Provident Fund Commissioner, Punjab, Chandigarh
.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lokendra Singh, Advocate, for
Mr. Naveen S. Bhardwaj, Advocate, and
Mr. J.P.S. Sandhu, Advocate, for the petitioner.

Mr. Rajesh Hooda, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order of assessment dated 02.09.1997 (Annexure P-1) made by the respondent-Provident Fund Authorities against the petitioner-Punjab State Electricity Board qua the non-deposit of the provident fund qua the employees working in the said institution.

2. Learned counsel for the petitioner argues that a bare perusal of the assessment order dated 02.09.1997 (Annexure P-1) would show that the assessed amount has been mentioned to be deposited by the petitioner but nothing has been mentioned in the said order as to how the said calculation has been arrived at by the authority concerned while asking the petitioner to deposit the said assessed amount.

3. Learned counsel for the petitioner submits that unless a valid justification is given as to how the assessed amount is calculated, the

direction given by the authority concerned to deposit the same is totally arbitrary and illegal and has been imposed upon the petitioner by passing a totally non-speaking order.

4. Learned counsel for the respondent submits that the said assessed amount was duly calculated in a justified manner which is clear from the record, though, the said calculations have not been made part of the order.

5. Learned counsel for the respondent-authority further submits that the record qua the employees which was produced before the authorities by the petitioner, was looked into and appropriate order was passed though, the order should have been speaking order as to how the amount assessed, was arrived at and the same should have been duly mentioned in the impugned order.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, an assessment is to be made qua the liability, the justification for reaching upon the said assessment has to be given in the order imposing liability itself. The assessed amount imposed upon the petitioner as liability which is being sought to be recovered from the petitioner, has to be justified by showing as to how the assessing officer has reached upon the calculation that the particular amount is payable by an organization who has defaulted in paying the same.

8. A bare perusal of order dated 02.09.1997 (Annexure P-1) would show that no such reasons/bifurcations have been given as to how, the amount of Rs.9,47,090/- which the petitioner has been asked to pay, has

been arrived at under various head. The order is totally cryptic and non-speaking.

9. Once, a liability is being imposed upon someone, the person has the right to know as to how the exact amount of liability imposed upon the person has been arrived at so as to decide whether the liability imposed is genuine or same needs to be assailed. In the absence of any reasons or particulars given, the same has to be treated as a vague order.

10. Keeping in view the totality of the circumstances, the impugned order 02.09.1997 (Annexure P-1) is set aside. The case is remanded back to the authorities concerned to pass appropriate speaking order after giving due opportunity of hearing to the petitioner to support its claim that they complied with the provisions of the Provident Fund Act, 1952 qua the employees working for the period in question i.e. starting from the year 1973 till June, 1990.

11. In case, the relevant record is not produced before the authorities concerned by the petitioner, appropriate authority exercising jurisdiction under the Provident Fund Act, 1952, will be free to pass appropriate speaking order keeping in view the provisions of 1952 Act.

12. The present writ petition is disposed of in above terms.

13. Civil miscellaneous application pending if any, also stands disposed of.

April 24, 2025 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No