



**CWP-20285-2019 (O&M) &
other connected cases**

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

114+323 (06 cases)

**CWP-20285-2019 (O&M)
Date of Decision :02.04.2025**

Janta Land Promoters Pvt. Ltd

...Petitioner

Versus

Regional Provident Fund Commissioner & another

...Respondents

CWP-29989-2019 (O&M)

Motia Real Estate

...Petitioner

Versus

Regional Provident Fund Commissioner & another

...Respondents

**CM-4646-CWP-2025 in/&
CWP-29995-2019 (O&M)**

Kwality Cafe

...Petitioner

Versus

Regional Provident Fund Commissionaire & others

...Respondents

**INCOMP-1648-2024 in/&
CWP-30487-2019 (O&M)**

M/s Sachdeva Engineering College for Girls

...Petitioner

Versus

Regional Provident Fund Commissioner & another

...Respondents

CWP-30465-2019 (O&M)



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other connected cases**

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M/s Alliance Infrastructure Builders and Developers

...Petitioner

Versus

Regional Provident Fund Commissioner & another

...Respondents

CWP-30644-2019 (O&M)

M/s Preet Construction

...Petitioner

Versus..

Regional Provident Fund Commissioner & another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinav Gupta, Advocate for the petitioner(s).

Mr. Rajesh Hooda, Advocate for respondents in all petitions.

Mr. Ranjit S. Dhiman., Advocate for applicant
in CM-4646-CWP-2025 in CWP-29995-2019.

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Harsimran Singh Sethi, J. (Oral)

CM-4646-CWP-2025 in CWP-29995-2019

1. Present application has been filed for impleading the applicants as respondents No.3 to 6 in CWP-29995-2019.

2. Notice of motion.

3. Mr. Abhinav Gupta and Mr. Rajesh Hooda, Advocate accepts notice on behalf of petitioner and respondent No.1 and raises no objection for the grant of prayer as made in the present application.

4. Keeping in view the averments made in the application which are duly supported by an affidavit, present application is allowed. Applicants as mentioned in para-7 of the present application are ordered to



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be impleaded as respondents No.3 to 6 in CWP-29995-2019.

5. Amended memo of parties is also taken on record.

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6. Learned counsel for the petitioner(s)-Institutions submits that the grievance of the petitioner(s)-Institutions in the present bunch of petitions is that without there being any valid justification, the proceedings under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 1952 Act') have been initiated against them by the respondent-authority, which is causing prejudice to the petitioner(s)-Institutions.

7. Learned counsel for the petitioner(s)-Institutions further submit that there has to be a cogent basis so as to initiate the proceedings under Section 7-A of the 1952 Act and the same could not have been initiated on the basis of the anonymous complaint dated 31.12.2015 (Annexure P/5) against various institutions so as to give jurisdiction to the officers working in Provident Fund office so as to initiate a fishing enquiry in order to find out whether there has been any violation of 1952 Act on the part of the petitioner(s)-institutions or not.

8. Learned counsel for the petitioner(s) submits that the guidelines for what can be regarded as 'source information for initiating an enquiry have already been issued on 30.11.2012 by Ministry of Labour and Empowerment, which should be kept in mind while deciding upon the issue that whether any enquiry needs to be conducted against the petitioner(s)-Institutions or not.

9. Learned counsel for the petitioner(s)-Institutions submits that



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the said issue should be decided in an apt manner so that no institution is harassed by violating the instructions issued by the Ministry from time to time especially, the instructions noticed hereinbefore regarding under what circumstances can enquiry under Section 7-A of the 1952 Act be initiated.

10. Learned counsel for the respondents-RPFC submits that it is not the case that the proceedings under Section 7-A of the 1952 Act have been initiated against the petitioner(s)-Institutions without due application of mind and that there has been enough material available with the department concerned to initiate the said proceedings under Section 7-A of 1952 Act and that as when any final order will be passed, the same will be reflected in the said order.

11. Learned counsel for the respondents-RPFC further submits that in case, the petitioner(s)-Institution has any grievance that as per the instructions issued by the Ministry, no enquiry could have been initiated against petitioner(s)-Institution under Section 7-A of the 1952 Act qua a particular institution, if such an grievance is raised before the authorities concerned, the same will be dealt with in accordance with law and appropriate order will be passed on the said objections by taking into consideration the relevant facts and the instructions mentioned hereinbefore on the basis of which said objections have been taken.

12. Learned counsel for the respondents-RPFC submits that due reasons will be given while passing the final order on the enquiry initiated under Section 7-A of the 1952 Act.

13. Learned counsel for the petitioners(s)-Institution submits that keeping in view the statement made by learned counsel for the respondents-



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RPFC, no further grievance of the petitioners(s)-Institution survives as of now and the present petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners(s)-Institution to raise all the grievance before the authorities concerned. Learned counsel for the petitioners(s)-Institution submits that in case, any order causing prejudice to the petitioners(s)-Institution is passed, liberty be given to the petitioners(s)-Institution to avail appropriate remedy.

14. Ordered accordingly.

15. It may be noticed that keeping in view the fact that certain grievances have been raised by the employees of the some of the institutions that their entitlement under 1952 Act is not being released by the respondent No.1, it is directed that such applications will also be considered by the respondent-office of Provident Fund Commissioner while adjudicating the issue under Section 7-A of the 1952 Act and appropriate order be passed.

16. Present petitions are disposed of in above terms.

17. Civil miscellaneous application pending, if any is also disposed of.

18. A photocopy of this order be placed on the files of connected cases.

April 02, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No