

CWP No.22957 of 2019 (O&M)
and other connected cases

2025:PHHC:016512



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

(1) CWP No.22957 of 2019 (O&M)

Food Corporation of India ...Petitioner
Versus

Central Board of Trustee and others ...Respondents

(2) CWP No.17131 of 2020 (O&M)

Food Corporation of India ...Petitioner
Versus

Board of Trustees and others ...Respondents

(3) CWP No.17274 of 2020 (O&M)

Food Corporation of India ...Petitioner
Versus

Board of Trustees and others ...Respondents

(4) CWP No.24656 of 2019 (O&M)

Food Corporation of India ...Petitioner
Versus

Central Board of Trustees and others ...Respondents

(5) CWP No.26497 of 2023 (O&M)

Food Corporation of India ...Petitioner
Versus

Board of Trustees and others ...Respondents

(6) CWP No.27258 of 2023 (O&M)

Food Corporation of India ...Petitioner
Versus

Board of Trustees and others ...Respondents

(7) CWP No.27282 of 2023 (O&M)

Food Corporation of India ...Petitioner
Versus

Board of Trustees and others ...Respondents

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- (8) **CWP No.27367 of 2023 (O&M)**
Food Corporation of India ...Petitioner
Versus
Board of Trustees and others ...Respondents
- (9) **CWP No.27373 of 2023 (O&M)**
Food Corporation of India ...Petitioner
Versus
Board of Trustees and others ...Respondents
- (10) **CWP No.27395 of 2023 (O&M)**
Food Corporation of India ...Petitioner
Versus
Board of Trustees and others ...Respondents
- (11) **CWP No.3177 of 2022**
Food Corporation of India ...Petitioner
Versus
Central Board of Trustees and others ...Respondents
- (12) **CWP No.3215 of 2022**
Food Corporation of India ...Petitioner
Versus
Central Board of Trustees and others ...Respondents

Date of decision : February 04, 2025

Coram: Hon'ble Mr. Justice Harsimran Singh Sethi

Present: Mr. K.K. Gupta, Advocate,
for the petitioner-Food Corporation of India.

Ms. Ridhi Bansal, Advocate, and
Ms. Sidhi Bansal, Advocate, and
Mr. Viney Kumar, Advocate, for Mr. Sunish Bindlish, Adv.
for the petitioner in CWP No.3177 & 3215 of 2022.

Mr. Sanjay Tangri, Advocate,
for the respondent-EPFO.

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Mr. Rajesh Hooda, Advocate,
for respondent no.1 in CWP Nos.22957 of 2019,
CWP No.24656 of 2019, CWP No.17131 of 2020 &
CWP No.17232 of 2020.

Mr. Akshay Bhan, Sr. Advocate, with
Mr. Rohit Nagpal, Advocate, for the respondent-Union.

Harsimran Singh Sethi, J. (Oral)

1. By way of this common order, a bunch of aforesaid 12 cases is being disposed of as common facts and question of law are involved in all these cases. However, for the sake of convenience, the facts are being taken from CWP-22957-2019.

2. At the outset, learned counsel for the petitioner-FCI submits that out of total, 20% payment payable to the contractors was withheld by the FCI on the condition that till the payment of EPFO is deposited/released by the contractors qua their employees who are working with the FCI at the given point of time, the payment will not be processed. He further submits that lateron, when the EPF required to be paid by the contractors, was paid, the said 20% amount, so withheld conditionally, was released to them. It is submitted that despite the said fact, the liability has wrongly been fastened upon the FCI by the authorities concerned for payment of EPF concerned and as the EPF has already been deposited by the contractors, the same is not required to be deposited again by the petitioner-FCI.

3. Learned counsel for the respondent-EPFO submits that as of now or even during the pendency of proceedings before the authorities, no

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such document was presented at any point of time by the FCI which could show that the EPF which according to the FCI was required to be deposited by the contractors, was deposited by them and it is only because of this reason that the said liability has been fastened upon the petitioner-FCI to deposit the same as it is a liability imposed only upon the principal employer. It is submitted that concededly the petitioner-FCI has, on record, stated that they had withheld 20% payment of the contractors, which was released by them eventually upon fulfillment of the required condition and in case any such document has been submitted by the contractors to the FCI stating that they have cleared their dues with the EPFO, the same may be presented and in case any such document is presented, the claim of the petitioner-FCI will be reconsidered in accordance with law, whether the liability fastened upon the petitioner is liable to be reviewed or not.

4. Learned counsel for the petitioner-FCI submits that the present petition may kindly be disposed of having been not pressed, with liberty to present in factum of payment of EPF dues by the contractors for which petitioner's liability has been fixed by the impugned order.

5. Learned counsel for the petitioner-FCI submits that not only the documents which the petitioner will produce but also the accounts which were maintained by the EPFO should be looked into by them in order to help the institution, as the monetary liability fastened upon the FCI is public money and such money is being demanded by another government authority.

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6. Learned counsel for the respondent-EPFO submits that all the accounts wherein the amount is stated by the petitioner-FCI to be deposited will also be looked into so as to verify genuineness of the claim either in case of non-deposit of EPF by the contractors or by the petitioner-FCI so as to reconcile the issue as to whether any liability, already fastened upon the petitioner, can be set off/reduced in any manner or not.

7. Learned counsel for the petitioner further submits that the dispute which has been raised by the petitioner qua the list submitted, which is stated to be bogus, should also be looked into, so that no public money is wasted in any manner.

8. Learned counsel for the respondent-EPFO submits that in case any such representation is made before the authorities concerned, all the grievance raised should be looked into with the open mind so that appropriate decision, already taken, if needs to be revisited, will be visited and appropriate decision will be taken within a period of three months from the date of receipt of any such representation on the part of the petitioner and in case it is possible to give due personal hearing, it will be given to them before passing any plausible and speaking order on the representation moved by the petitioner.

9. At this, learned counsel for the petitioner-FCI conceded to the above and submits that as there is an interim order in favour of the petitioner, therefore, till the issue is revisited keeping in view the order passed hereinabove, no coercive action be taken against the petitioner for

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the release of the demanded amount in case the said amount is yet to be deposited by them. Ordered accordingly. However, it may be noted that after the decision of the issue hereinafter, the authorities will be free to act in accordance with the law in case any recovery is to be made from the petitioner.

10. The aforesaid writ petitions are disposed of in the above terms.

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

February 04, 2025
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(Harsimran Singh Sethi)
Judge

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