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

+ **W.P.(C) 15320/2025&CM APPL. 62764/2025 (Stay)**

MULTISERV INDIA PVT. LTD.

.....Petitioner

Through: Mr. Achin Goel, Advocate.

versus

ASSISTANT PROVIDENT FUND COMMISSIONER

.....Respondent

Through: Mr. Siddharth, SC for EPFO with Mr. Prateek Goyal and Mr. Harshit Manwani, Advs. for the respondent.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.10.2025

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1. This hearing has been done through hybrid mode.

CM APPL. 62765/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

W.P.(C) 15320/2025 & CM APPL. 62764/2025 (Stay)

3. The present petition under Article 226 of the Constitution of India seeks the following prayers: -

“a) Quashing and setting-aside the impugned orders dated 29.07.2025 and 15.09.2025 passed by the Ld. EPFAT, New Delhi in the matter titled Multiserve India Pvt. Ltd. V/s APFC whereby the Ld. EPFAT has dismissed the restoration application filed by the petitioner for restoring its Appeal/Case No.D-1/26/2019 dismissed in default for non-prosecution on 29.07.2025; and restore the aforesaid appeal before EPFAT to be decided on merits.

b) Pass a writ, order and direction thereby directing the Ld. EPFAT to restore the appeal of the petitioner to its original number and may kindly be directed to be heard and decided on merits.

c) Direct the respondent department to recall/cancel the notice/demand/letters /claims/demands etc. issued to the petitioner



for recovery of the alleged demand during the pendency of the present writ petition.

d) Direct the respondent department not to take any coercive and duress action/process for initiating any process for alleged recovery of the alleged demands from the petitioner.

e) Costs throughout may also kindly be awarded to the petitioner.

f) Such other and further relief, as is deemed fit, may also kindly be awarded to the petitioner.”

4. Learned counsel for the petitioner submits that non-appearance on behalf of the latter before the learned Appellate Authority was on account of the fact that the father of the learned counsel appearing on behalf of the petitioner had passed away. It is further submitted that the aforesaid fact had been pleaded in the application seeking restoration of the appeal, however, the same was not taken into consideration by the learned Appellate Authority.

5. A perusal of the order dated 29.07.2025, would reflect that on previous occasions as well, the appeal filed on behalf of the petitioner had been dismissed for non-prosecution. The order further records the fact that there had been non-appearances on behalf of the petitioner in the prosecution of the aforesaid appeal.

6. Issue notice.

7. Learned counsel for the respondent accepts notice.

8. At this stage, learned counsel for the petitioner, on instructions, submits that the present petition may be allowed subject to deposit of cost.

9. In view of the above, let the petitioner deposit a cost of Rs. 1,00,000/- (Rupees One Lakh only) with Delhi High Court Advocates Welfare Trust (A/C no. 15530210002995, UCO Bank, IFSC No. UCBA0001553, within a period of 10 days from today.

10. Subject to the aforesaid deposition of costs by the petitioner, the orders



dated 29.07.2025 and 15.09.2025 are set aside. The appeal is restored to its original number and let the petitioner appear before the Appellate Authority on 30.10.2025.

11. With the aforesaid directions, the petition is disposed of.
12. Pending application(s), if any, also stands disposed of.
13. Copy of the order be sent to the learned Employees' Provident Fund Appellate Tribunal, CGIT, Dwarka District Courts, New Delhi, for necessary information and compliance.
14. Copy of this order be given *dasti* under signatures of the Court Master.
15. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

OCTOBER 6, 2025/bsr/sg