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

+ W.P.(C) 15688/2025&CM APPL. 64166/2025 (interim relief)

JEAN PAUL CORP OF INDIA

.....Petitioner

Through: Mr. Prakash Kumar, Adv.
versus

RPFC RO DELHI EAST

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.10.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India, 1950, has been filed seeking the following prayers:

“A. Pass a writ of Certiorari or any other appropriate writ and/or directions quashing the impugned order 08.07.2025 passed by the Hon'ble CGIT cum Labour Court, Delhi in Appeal No. 263(4)2015 and notice dated 19.09.2025 issued by the Recovery Officer & RPFC-II, RO-Delhi East, EPFO as being completely illegal, arbitrary, unconstitutional and in violation of principles of natural justice.

B. Pass such other and further orders and/or directions as this Hon'ble Court deems fit and proper in facts and circumstances of the present case.”

3. *Vide* order dated 30.01.2015 passed by learned Regional Provident Fund Commissioner under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, (for short, ‘EPF & MP Act’) against the petitioner/establishment for assessment of dues for the period date of coverage (26.09.2006) to 08/2007, the petitioner/establishment was directed



to deposit the assessed amount of Rs.5,92,169/- within 15 days and submit challan along with relevant returns to the learned Regional Provident Fund Commissioner, failing which action to recover the dues under Section 8 of the said Act would be initiated against the petitioner/establishment.

4. The petitioner thereafter, filed an appeal bearing ATA No. 263(4)/2015, before learned EPFAT (Employees Provident Fund Appellate Tribunal) under Section 7I of the Act assailing the aforesaid order dated 30.01.2015 passed by learned RPFC. On 07.05.2015, learned Appellate Tribunal after hearing submissions on behalf of the parties granted interim stay of the impugned order. Thereafter, several adjournments were granted and after merger of EPFAT with CGIT, a fresh notice was issued to the appellant. However, despite service proof showing postal tracking placed on record by the Registry therein, none appeared on behalf of the Appellant/petitioner before learned CGIT and *vide* order dated 15.01.2020, the said appeal was dismissed in default.

5. On 19.02.2020, the petitioner-appellant filed two separate applications for restoration of the appeal dismissed in default and for a direction to the respondent to de-attach appellant's bank account pending disposal of the restoration application. The copy of the applications were served on the respondent and the matter was fixed for 12.01.2022 for hearing, however, none appeared on behalf of the appellant and, the aforesaid application seeking restoration of appeal along with other miscellaneous application were dismissed for non-appearance of the appellant *vide* order dated 10.02.2022.

6. Thereafter, another application for restoration of appeal was filed on behalf of the appellant. The contention raised on behalf of the appellant/petitioner in this restoration application was that due to the fault of



the previous counsel, who had not seriously contested the appeal, the same was dismissed for want of prosecution on 10.02.2022. It was further argued before the learned CGIT that the registry had also not sent any copy of the order dated 10.02.2022 to the appellant/petitioner and therefore, the latter did not have any knowledge about the dismissal of the appeal *vide* the said order. It was further argued before the learned CGIT that new counsel was hired by the petitioner/appellant and after inspection of file, he has found the negligence of the previous counsel and it will not be proper to punish the petitioner/appellant for the negligence of previous counsel. Learned Presiding Officer *vide* the impugned order dated 08.07.2025 dismissed the second restoration application filed on behalf of the petitioner/appellant as the same being devoid of any merits by observing as under: -

“3. I have heard the argument and perused the record. Vide order dated 07.05.2015 Sh. Harish Gupta, erstwhile Presiding Officer EPFAT had disposed of the application u/ s 70 of the EPF & MP Act, 1952 directing the appellant to deposit the 50% of the assessed amount. Amount was deposited and the matter was listed for final arguments. However, final arguments could not take place as the appellant did not appear on 14.03.2019 as well as 15.01.2020. On 15.01.2020, appeal was dismissed for want of prosecution. In between restoration of application moved. Even vide order dated 10.02.2022, the application for restoration was again dismissed for want of prosecution.

4. In this scenario, appellant has pressed his application which he has filed afterwards placing reliance on Rule 15 of the Tribunal (Procedure) Rules, 1997 which is reproduced hereunder:-

15. Action on appeal for appellant's default.(1)

Where on the date fixed for hearing of the appeal or on any other date to which such hearing may be adjourned, the appellant does not appear when the appeal is called for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or hear and decide it on merit.

(2) Where an appeal has been dismissed for default and the appellant files an appeal within thirty days from



the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the appeal was called for hearing, the Tribunal shall make an order setting aside the order dismissing the appeal and restore the same.

Provided, however, where the case was disposed of on merits the decision shall not be re-opened except by way of review.

5. Record speaks a lot of negligence on the part of the appellant. After obtaining the stay by depositing 50% of the assessed amount appellant has not chosen to continue with this appeal. First he had not appeared at the time of hearing the appeal. Subsequently, even after two year of filing of the restoration application he has not taken care of pursuing the application for restoration of the appeal. When it was dismissed, he had again filed this application.

6. Ground of negligence on the part of the counsel of the appellant does not give so much leverage to the appellant to get this appeal restored from this tribunal. The manifest negligence as depicted on record does not give any relaxation to the appellant. Hence, application for restoration of the appeal being devoid of any merit is hereby dismissed.”

7. After passing of the aforesaid impugned order, on 19.09.2025 a notice to show cause why a warrant of arrest should not be issued was served to the petitioner by learned Recovery Officer and Regional P.F. Commissioner-I. The present petition has been filed seeking quashing of the order dated 08.07.2025 and the notice dated 19.09.2025.

8. Learned counsel for the petitioner has submitted that the appeal before the learned CGIT was dismissed in default for want of prosecution as the previous counsel engaged by the petitioner had not diligently pursued the said appeal. It is further submitted that the petitioner did not have the knowledge of the dismissal of the appeal *vide* order dated 10.02.2022 as the said order was not sent to the petitioner by the Registry of the learned Tribunal. It is



further the case of the petitioner that the latter should not suffer the consequences of the negligence made by his previous counsel. Thus, it is prayed that the impugned order as well the show cause notice may be set-aside.

9. Heard learned counsel for the petitioner and perused the record.

10. The appeal before the learned EPFAT was filed by the petitioner assailing the order dated 30.01.2015 passed by learned RPFO and on 07.05.2015, an interim order of stay was granted. It has come on record, by way of order dated 10.02.2022 passed by learned CGIT, that after passing of the stay order in favour of the petitioner several adjournments were granted. The appeal was fixed for hearing on 15.01.2020, however, despite service proof of postal tracking placed on record by the Registry, none appeared on behalf of the petitioner and it was in these circumstances, on 15.01.2020 the appeal filed by the petitioner was dismissed for default of the petitioner/appellant. Thereafter, an application was filed by the petitioner seeking restoration of the said appeal.

11. Perusal of the record shows that the application filed by the petitioner through its previous counsel seeking restoration of the appeal was fixed for hearing on 12.01.2022. However, none had appeared on behalf of the petitioner on the said date. Further, on 10.02.2022 when the aforesaid application was dismissed, there was no appearance on behalf of the petitioner.

12. Subsequently, another application was filed by the petitioner's new counsel seeking restoration of the appeal was dismissed *vide* the impugned order dated 08.07.2025. The ground on which the restoration of appeal has now been sought is that the earlier counsel engaged by the petitioner was not



diligently pursuing the appeal and owing to the same reason, the appeal was dismissed in default for want of prosecution on 15.01.2020 and the application seeking restoration was also dismissed on 10.02.2022. Perusal of the subsequent application filed in 2023 seeking restoration of the appeal shows that the same is not accompanied by any material which could substantiate the contention of the petitioner. Merely stating that dismissal of the appeal or restoration was because of the negligence shown by previous counsel and it will not be proper to punish the petitioner's case due to the same, would not be sufficient. Even otherwise, after the appeal filed by the petitioner was dismissed in default, it was incumbent upon the petitioner to be more diligent in pursuing the appeal and keep a track of its prosecution. The petitioner is now simply shifting the blame upon the counsel without explaining its own lack of diligence and negligence.

13. In view of the aforesaid facts and circumstances of the present case, this Court is of the considered view that the impugned order does not suffer from any infirmity, illegality or perversity and therefore, does not call for interference.

14. The present petition is dismissed and disposed of accordingly.

15. Pending applications, if any, also stand disposed of accordingly.

16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

OCTOBER 13, 2025/bsr/mj/ns