HC-KAR
CNR: KAHC010267182022

NC: 2026:KHC:55394
WP No. 12038 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 12038 OF 2022 (L-PF)

BETWEEN:

M/S XYKA HOTELS INDIA PVT. LTD
A PRIVATE LIMITED COMPANY INCORPORATED
UNDER COMPANIES ACT 1956 AND
AMENDED UPTO 2019
SITUATED AT HEMKUND, NO.10
14TH CROSS, BYRASANDRA
NEW THIPPASANDRA
BENGALURU-560 075
REP. BY ITS DIRECTOR
MRS.KAMAL JAISWAL

...PETITIONER

(BY SRI. ESHWAR R NAIK., ADVOCATE (ABSENT))

AND:

1. REGIONAL PROVIDENT FUND COMMISSIONER -II
   EMPLOYEES PROVIDENT FUND ORGANIZATION
   ASSISTANT OFFICE, K.R.PURAM
   NO.F-28, NSU BLOCK, ITI CAMPUS
   (BENGALURU PLANT) DOORAVANI NAGAR
   BENGALURU-560 016.

2. RECOVERY OFFICER
   EMPLOYEES PROVIDENT FUND ORGANIZATION
   ASSISTANT OFFICE K.R.PURAM
   NO.F-28, NSU BLOCK, ITI CAMPUS

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(BENGALURU PLANT) DOORAVANI NAGAR
BENGALURU-560016.

…RESPONDENTS

(BY SMT. SHWETHA ANAND., ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER THE ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER NO.PY/KRP/PD/1029957/490, DATED: 30.03.2022 ANNEXURE-C ISSUED BY R1 AND RECOVERY CP-1 NOTICE VIDE RRC.NO.PYKRP/11242/1029957/06/04/2022/ 529/35/68, DATED: 18.04.2022 ANNEXURE-D ISSUED BY R2 AND THE PROHIBITORY ORDER NO.KN/PF/KRP RECOVERY CELL /1029957/2022/142, DATED: 17.05.2022 ANNEXURE-F ISSUED BY THE R1 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, seeking the following reliefs:

> *"WHEREFORE, the Petitioner respectfully prays that this Hon'ble Court may be pleased to issue a writ of certiorari or any other appropriate writ or direction to:*
>
> *a) Call for records leading to the passing of the (i) Order No PY/KRP/PD/1029957/490, dated: 30.03.2022 (Annexure- 'C') issued by the Respondent No.1, (ii) Recovery Notice in Form No. EPF.C.P. 1 Notice of Demand to the Defaulter vide*

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HAREKOPPA THIMMANNA GOWDA

RRC No. PYKRP11242/1029957/06/04/2022/529/35/68, dated 18.04.2022 (Annexure 'D') issued by the Respondent No.2 and (iii) the Prohibitory Order No. KN/PF/KRP/ Recovery Cell/1029957/2022/142, dated. 17.05.2022 (Annexure 'F') issued by the Respondent No.1.

b) Quash the (i) Order No. PY/KRP/PD/1029957/490, dated: 30.03.2022 (Annexure 'C') issued by Respondent No.1 and (ii) Recovery C.P.-1 Notice vide RRC No. PYKRP11242/ 1029957/06/04/2022/529/35/68, dated. 18.04.2022 (Annexure-'D') issued by the Respondent No.2 and the Prohibitory Order No.KN/PF/KRP/Recovery Cell/1029957/2022/142, dated 17.05.2022 (Annexure-F) issued by the respondent No.1."

2. Against the impugned order, the petitioner has an alternative remedy of appeal before the Provident Fund Appellate Tribunal, Bengaluru (for short, 'appellate authority'). The petitioner has filed an appeal before the appellate authority at Bengaluru, the copy of which is produced at Annexure-E. During that time, since the appellate authority was not functioning, the petitioner approached this Court, challenging the impugned order.

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HAREKOPPA THIMMANNA GOWDA

3. None appears for the petitioner. Even on the last occasion, on 18.08.2026, none appeared for the petitioner.

4. The learned counsel for the respondent submits that, now that the appellate authority is functioning, the petitioner may raise all the contentions before the appellate authority.

5. In view of the above, since the petitioner has already filed an appeal before the appellate authority, the appellate authority is directed to dispose of the same, in accordance with law.

6. With the above observations, the writ petition stands disposed of.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 41