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

\+ W.P.(C) 105/2026

EMPLOYEES PROVIDENT FUND ORGANIZATION & ANR. .....Petitioners

Through: Mr. Sushil Kumar Dubey, Adv. (through v/c)

versus

CVC OPTICALS OPC PVT LTD .....Respondent

Through: Advocate (appearance not given)

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

<u>O R D E R</u>

% **07.01.2026**

<u>CM APPLs.553/2026, 554/2026 (Exemption)</u>

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

<u>W.P.(C) 105/2026 and CM APPL.552/2026</u>

3. The present petition has been filed by the petitioner assailing an order dated 10.06.2025 passed by the learned Presiding Officer, Central Government Industrial Tribunal (C.G.I.T) cum Labour Court-II, New Delhi, in Appeal No. D-1/01/2023, titled "*M/s CVC Opticals (OPC) Pvt. Ltd. vs. RPFC, Delhi (North)*".

4. *Vide* the impugned order dated 10.06.2025, the orders dated 30.09.2021 and 30.11.2022, passed by the competent authority under Sections 7A and 8B to 8G of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, have been set aside and the matter has been remanded for fresh consideration.

5. A perusal of the impugned order reveals that the same takes note of

the fact that the aforesaid orders dated 30.09.2021 and 30.11.2022 were passed *ex parte*. The impugned order observes as under:

> "*I have heard the arguments presented by both parties, and gone through the record of this appeal. It is admitted that the case was decided ex-parte, and the Ld. RPFC assessed the dues for the period from February 2018 to August 2019 on the basis of the records of the previous months. At that time, the company was closed, and the order was passed ex-parte. Further, the record reveals that no efforts were made by the respondent for serving them personally once he came to know that postal delivery was returned unserved. Before assessing dues, the respondent shall make all endeavours for serving the appellant. Non-deposit of the PF dues is not an offence itself. It occurs only when the appellant failed to deposit the PF dues intentionally. In these circumstances, appearance of the establishment must be ensured before deciding the due by all means, which is not the case here.*
>
> *Considering the above circumstances, it would be appropriate if the matter is remanded back to the respondent authority for deciding the case afresh, after affording the appellant an opportunity to be heard.*
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> *In view of the above, the orders dated 30.09.2021 and 30.11.2022 passed by the respondent authority under section 7A and 8B to 8G of the Act are hereby set aside. The appellant is directed to appear before the respondent on 15.07.2025 at 12.00 PM along with all the documentary evidence which he wants to rely upon.*
>
> *Additionally, the office is directed to return the LCR to the counsel for the respondent after obtaining due acknowledgment.*"

6. Learned counsel for the petitioner submits that the orders dated 30.09.2021 and 30.11.2022 were passed after adequate opportunity of hearing was afforded to the respondent, who, despite repeated opportunities, failed to appear.

7. Be that is it may, considering that the orders dated 30.09.2021 and 30.11.2022 were passed without hearing the concerned respondent, no exception can be taken to the findings / directions contained in the impugned order, whereby the competent authority has been directed to verify the relevant records, as may be furnished, and thereafter take anappropriate

view in the matter.

8. In the circumstances, this Court is not inclined to interfere with the impugned order dated 10.06.2025. However, it is clarified that pursuant to the remand, the concerned authority shall bestow its urgent consideration to the matter. Further, the respondent shall not be permitted to seek any unnecessary adjournment/s or delay in consideration of the matter.

9. Let the proceedings pursuant to remand be concluded expeditiously.

10. The petition is disposed of in the above terms.

SACHIN DATTA, J

JANUARY 7, 2026/cl