

(2022) 09 DEL CK 0068

In the Delhi High Court

Case No : Civil Writ Petition No. 13155 Of 2022

Central Board Of Trustees, Employees Provident Fund
Organisation, Delhi Through Assistant Provident Fund
Commissioner, APFC Delhi South

APPELLANT

Vs

M/S Lrs KI Joint Venture

RESPONDENT

Date of Decision : 09-09-2022

Acts Referred:

Citation : (2022) 09 DEL CK 0068

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Chirag Mittal

Final Decision : Dismissed

Judgement

Dinesh Kumar Sharma, J

CM APPL.39861/2022 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 13155/2022 & CM APPL.39860/2022 (stay)

1. Present writ petition has been filed by the petitioner challenging the order dated 21.03.2022 passed by the learned Presiding Officer, CGIT cum Labour Court – II, Rouse Avenue, District Court Complex, Delhi in ATA No.109(4) 2015. Vide the impugned order, the learned CGIT had allowed the appeal filed by the respondent/management.

2. Learned counsel for the petitioner has appeared through video conferencing and submitted that since there was a delay in the deposit of the contribution, the APFC has rightly levied the damage of Rs.65,546/- and interest of Rs.33,381/-. Learned counsel for the petitioner submits that the learned CGIT has fallen into an error by allowing the appeal of the respondent/management.

3. The jurisdiction of the writ Court is crystal clear. Though the jurisdiction is wide but it has to be exercised with circumspection. The writ Court cannot go into the re-appreciation of facts. The order of the Labour Court/Tribunal can be interfered only if there is patent illegality/perversity or if it has been decided without any evidence on record.

4. This Court considers that the finding of the learned CGIT is based on the evidence on record. There is a categorical finding that the Tribunal found that the delay in remittance of the APF dues by the respondent/management is attributable to the petitioner on account of non-allotment of code number in time and non-deposit of the cheque deposited by the respondent in time and therefore the respondent establishment cannot be held liable for the delay and be asked to deposit the damage and interest. It is also pertinent to mention here that the amount involved here is only of Rs.65,546/- towards damages and Rs.33,381/- as interest.

5. This Court does not find any illegality or perversity in the order of the Tribunal.

6. Hence, the present petition along with all the pending applications stands dismissed.