

(2021) 03 UK CK 0159

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 704, 707 Of 2021

Doiwala Sugar Company Limited & Others

APPELLANT

Vs

Regional Provident Fund Commissioner & Others

RESPONDENT

Date of Decision : 23-03-2021

Acts Referred:

Employees' Provident Funds & Miscellaneous Provisions Act, 1952 — Section 7Q, 14B, 71

Citation : (2021) 03 UK CK 0159

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Ganesh Kandpal, Bhupendra Singh Bisht

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Since common question of law and facts are involved in these writ petitions, therefore are being taken up together and are being adjudicated by this common judgment.

2. In Writ Petition (M/S) No. 704 of 2021, petitioner has challenged the order dated 03.03.2021, passed by Regional Provident Fund Commissioner-II, Dehradun, in proceedings under Section 7Q of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. By the said order, petitioner has been directed to deposit a sum of Rs. 29,99,359/-towards interest.

3. In Writ Petition (M/S) No. 707 of 2021, petitioner has challenged the order dated 26.02.2021, whereby Doiwala Sugar Company Limited has been asked to deposit a sum of Rs. 58,94,753/- as damages under Section 14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952.

4. Mr. Bhupendra Singh Bisht, learned counsel appearing for respondent was asked to get instructions in the matter. Today, on instructions, he submits that

the orders impugned in these Writ Petitions are appealable under Section 7I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. He further submits that the Provident Funds Appellate Tribunal, before whom appeal lies, was vacant, however, recently a Presiding Officer has been appointed, who is likely to assume charge of office within a month. He, therefore, submits that Writ Petitions are not maintainable, in view of availability of alternative remedy.

5. This Court is also of the considered opinion that, in view of the remedy of appeal, available to the petitioner, these Writ Petitions cannot be entertained.

6. Learned counsel for the petitioner submits that petitioner has filed composite appeal against both the orders.

7. Therefore, having regard to the facts and circumstances of the case, Writ Petitions are disposed of with a direction to Appellate Authority under Section 7I of the Act to consider and dispose of petitioners' stay application, as early as possible, preferably within eight weeks from the date of production of certified copy of this Court.

8. For a period of eight weeks or till disposal of the stay application filed by the petitioner(s), whichever is earlier, no coercive action shall be taken against the petitioner(s).