

(1997) 12 AHC CK 0015

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 40193 of 1997

J.V.G. Finance Ltd.

APPELLANT

Vs

Regional Provident Fund Commissioner and Others

RESPONDENT

Date of Decision : 01-12-1997

Acts Referred:

Constitution of India, 1950 — Article 226
Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 7(1),
7A(1), 7A(4), 8(3), 8F(2)

Citation : (1998) 3 UPLBEC 1965

Hon'ble Judges : S.R. Singh, J

Bench : Single Bench

Advocate : S.N. Srivastava, for the Appellant; Rakesh Tiwari, for the Respondent

Final Decision : Dismissed

Judgement

S.R. Singh, J.—Heard Shri S.N. Srivastava, learned Counsel for the petitioner and Shri Rakesh Tiwari, learned Counsel appearing for opposite parties 1, 2 and 3.

2. The writ petition has been filed primarily for issuance of a writ of certiorari quashing order dated 27.5.97 passed by respondent No. 1 and the orders dated 17.9.97 and 6.10.97 passed by opposite party No. 2.

3. The order dated 27.5.97 is an order u/s 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. It is stated that the petitioner has already moved an application for setting aside the order dated 27.5.97, a copy of the application dated 19.9.97, has been filed as Annexure 10 to the writ petition. It may be pertinent to observe here that Sub-section (4) of Section 7A of the Act provides a remedy for setting aside ex-parte order and Section 7A of the Act provides for an appeal against the order dated 27.5.97. In that view of the matter, I am not inclined to entertain this writ petition as against the order dated 27.5.97.

4. So far as order dated 17.9.97 is concerned, it is only an order passed with

reference to certain letters dated 12.8.97 and 14.8.97 and the petitioner has been directed to deposit the assessed dues as per the assessment order dated 27.5.97. No exception can be taken to the order dated 17.9.97 as long as order dated 27.5.97 appears correct.

5. The impugned order dated 5.10.97 is only the attachment order passed under Sub-section (3) of Section 8 of the aforesaid Act.

6. Since the main order is still intact, the order of attachment u/s 8(F) -2 warrants no interference. The petitioner is devoid of merit and is dismissed. However, it may be observed that the observations made in the judgment will not prejudice the disposal of application under Sub-section (4) of Section 7A of the Act in accordance with law.