

(2024) 05 JH CK 0010

In the Jharkhand High Court

Case No : Writ Petition (C) No. 838 Of 2024

Manpreet Engineering Private Limited

APPELLANT

Vs

Regional Provident Fund Commissioner And Others

RESPONDENT

Date of Decision : 02-05-2024

Acts Referred:

Citation : (2024) 05 JH CK 0010

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Vikas Pandey, Shubhashis Rasik Soren

Final Decision : Disposed Of

Judgement

Ananda Sen, J

1. Learned counsel for the respondents appears virtually. He has no complain with respect to the audio and video, clarity and quality.

By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

a) "For quashing and setting aside Third Party Attachment Orders dated 25/30.01.2024 issued by Respondent No-1 u/s 85 of the Employees Provident Fund & Miscellaneous Provisions Act 1952 issued to the Bank of the Petitioner including various vendors of the Petitioner as contained in (Annexure 11 Series) for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs.64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No 1 (Annexure-2), as the Appeal being IT No 2/47/2023 including Stay Petition filed by the Petitioner before Central Government Industrial Tribunal Cum Labour Court No-2 Dhanbad is pending and yet to be heard on merit along with Stay Petition, since the Presiding Officer of the said Tribunal has retired on 03.10.2023 and till date no Regular Presiding Officer has

been appointed and for said reason regular hearing is not taking place and without considering the Petition dated 18.12.2023 (Annexure-7) filed by the petitioner.

b) For quashing and setting aside Demand Notice dated 05.01.2024 (Annexure-9) issued by the Respondent No 1 for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs. 64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No 1.

c) For quashing and setting aside Demand Notice dated 15/20.12.2023 (Annexure-8) issued by the Respondent No 1 for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs.64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No.1.

d) For quashing and setting aside Demand Notice dated 14.12.2023 (Annexure-6) issued by the Respondent No 1 for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs.64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No.1

e) For quashing and setting aside Special Recovery Certificate dated 11/13.12.2023 (Annexure-5) issued by the Respondent No. 1 for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs. 64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No.1

f) For quashing and setting aside order dated 12.07.2023 by the Respondent No.1 (Annexure-2) issued by the Respondent No.1 for purported default of the Petitioner in making remittance of amount due to the Department to the tune of Rs.64,10,334/- (Rupees Sixty Four Lakh Ten Thousand Three Hundred and Thirty Four) as determined vide order dated 12.07.2023 by the Respondent No.1."

2. The grievance of the petitioner is that though he had filed a statutory appeal before the Central Government Industrial Tribunal-cum-Labour Court No.2, Dhanbad, however, the said appeal is pending as the post of the Presiding Officer is vacant. It is his grievance that he has filed a stay application also, since the post of Presiding Officer is vacant, the application for interim relief is not being taken up. He apprehends that the petitioner will be coerced and the demand notice would be executed and the entire amount of Rs.64,10,334/- would be recovered by the respondents, keeping the appeal and the interlocutory application pending.

3. Considering the peculiar circumstances that when the petitioner has already filed the appeal and prayed for interim relief but due to absence of the Presiding Officer, his applications are not being disposed of, I direct the petitioner to

deposit Rs.15,00,000/- (Rupees Fifteen Lac only) immediately before the Tribunal preferably within a period of two weeks. Further Rs.10,00,000/- (Rupees Ten Lac only) to be deposited within two months from the first deposit, with the Central Government Industrial Tribunal-cum-Labour Court No.2, Dhanbad, where the appeal is pending. The amounts in turn will be kept in a fixed deposit account in a Nationalized Bank. The payment will be made without prejudice to the case of the petitioner.

4. On deposit of the first amount of Rs.15,00,000/-, the entire recovery process shall remain stayed.

5. If the entire amount of Rs.25,00,000/- is deposited, no coercive steps will be taken against the petitioner till disposal of Appeal being IT No.2/47/2023 pending before the Central Government Industrial Tribunal-cum-Labour Court No.2, Dhanbad.

6. Accordingly, the instant writ petition is disposed of.

7. In view of the final order passed in this case, the pending interlocutory application, if any, also stands disposed of.