

(2021) 04 SHI CK 0079

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 2397 Of 2021

M/S Patel Engineering Ltd

APPELLANT

Vs

Central Board Of Trustees And Ors

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

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

Citation : (2021) 04 SHI CK 0079

Hon'ble Judges : Sureshwar Thakur, J; Sandeep Sharma, J

Bench : Division Bench

Advocate : Vishal Panwar, Raman Sethi

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. The writ petitioner seeks directions, for, quashing and setting aside the recovery notice, made on 2.2.2021. The afore recovery notice was issued to the writ petitioner, in pursuance to the provisions contained in Section 14 B, and, Section 7 Q of the EPF and MP Act, 1952.

2. Mr. Raman Sethi, the learned counsel appearing for the respondents, submits that the afore recovery notice has culminated in an order, made on 15.2.2021, by the statutory authority concerned, where through, the petitioner becomes imposed with the liability of interest and also damages.

3. The learned counsel for the parties fairly submit before this that the afore order is amenable for being appealed before the statutory authority concerned. Consequently, at this stage, this Court is constrained to dismiss, as pre-mature, the instant writ petition.

4. The learned counsel for the petitioner submits at the bar that as the afore statutory remedy is available to the petitioner, he shall forthwith recourse the

said statutory remedy, and, hence challenge the order passed by the assessing authority under the provisions of Section 14 B, and, Section 7 Q of the EPF and MP Act, 1952. Upon the afore motion being cast by the petitioner before the Statutory Authority, the latter shall, in accordance with law, and, after affording a personal hearing to the litigants concerned, pass a speaking order thereon. It is made clear that till the afore decision is made, the respondents may not initiate any coercive steps for recovering the amount, embodied in Annexure P-6.

5. In view of the above observations, the instant writ petition is disposed of. All pending applications also stand disposed of.

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