
(2006) 08 P&H CK 0396
In the Punjab And Haryana At Chandigarh
Case No : C.W.P No. 12214 of 2005

Sanatan Dharam Girls College

APPELLANT

Vs

Regional Provident Fund Commissioner

RESPONDENT

Date of Decision : 03-08-2006

Acts Referred:

Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 14B, 7, 7A

Citation : (2006) 08 P&H CK 0396

Hon'ble Judges : Viney Mittal, J; H.S Bhalla, J

Bench : Division Bench

Advocate : Raman Sharma, for the Appellant; Rajesh Hooda, for Kamal Sehgal, for the Respondent

Final Decision : Allowed

Judgement

Viney Mittal, J.—The petitioner is aggrieved against the order dated July 7, 2005 (Annexure P-2) passed by the Appellate Tribunal, whereby the petitioner has been required to deposit 50% of the amount in terms of Section 7(o) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act') failing which the appeal of the petitioner was liable to be not entertained. Learned Counsel for the petitioner has relied upon a judgement rendered by the Delhi High Court in (Old Village Industries Ltd. v. Asst. Provident Fund Commissioner, Employees' Provident Fund Organization and Anr.) to contend that

2. Since the order in question which was challenged in appeal was not an order passed u/s 7(o) of the Act but was passed u/s 14-B of the Act. Therefore, the provisions of Section 7(o) of the Act were not applicable and the petitioner could not be required to deposit the amount in question before the entertainment of the appeal.

3. After hearing the learned Counsel for the parties and taking into consideration the judgement relied upon by the learned Counsel for the petitioner, we are

satisfied that the grievance made by the petitioner is wholly justified. It is not in dispute that order which has been challenged by the petitioner before the Appellate Tribunal was an order passed u/s 14-B of the act and was not passed u/s 7-A of the Act. In these circumstances, in view of the law laid down in Old

4. Village Industries case (Supra), we allow the present petition and quash the order Annexure P-2 and direct the appellate Tribunal to decide the appeal filed by the petitioner without insisting upon the deposit of any amount.