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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9112/2022 & CM APPL.27429/2022 (stay)

VISHAKHA FACILITY MANAGEMENT (PVT.) LTD.

..... Petitioner

Through: Mr. Nikhil Patnaik, Advocate.

versus

CENTRAL BOARD OF TRUSTEES, THROUGH REGIONAL P. F.  
COMMISSIONER DELHI (E) ..... Respondent

Through: Mr. Rajesh Kumar with Mr. Harshit  
Garg, Advocates.

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*Date of Decision: 11th July, 2022.*

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

### **J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. Learned counsel for respondent submits that he has not yet received any instructions from the Department.
2. Present petition has been filed for issuance of directions to the Tribunal to dispose of the Appeal No.D-1/115/2019 titled as "*Vishakha Facility Management Private Limited vs. Regional P.F. Commissioner Delhi (East)*". This Court vide order dated 09.09.2021 in W.P.(C) 5630/2020 had directed the petitioner to deposit Rs.50 lakhs towards compliance of the provision of Section 70 of the EPF and MP Act as a precondition for admission of the appeal. Learned Tribunal dismissed the appeal for non-

compliance of the directions by the petitioner. However, Rs.50 lakhs have now been deposited by the petitioner and the same was duly recorded vide order dated 04.07.2022. Now since the order dated 09.09.2021 of this Court in W.P.(C) 5630/2020 has been complied with, the Tribunal is directed to restore the Appeal No.D-1/115/2019 titled as “*Vishakha Facility Management Private Limited vs. Regional P.F. Commissioner Delhi (East)*”.

3. Learned counsel for respondent has very fairly submitted that all coercive action initiated by the Department for recovery of the amount shall be withdrawn within one week.

4. Learned counsel for the petitioner has submitted that he does not press prayer ‘c’.

5. With these observations, present petition has been disposed of. However, it is clarified that this Court has not gone into the merits of the case. Nothing contained herein shall tantamount to any expression on the merits of the case. The rights and contentions of the parties are left open. The parties are at liberty to take their contentions before the learned Tribunal. The Department shall not take any coercive action till the appeal is restored before the Trial Court.

6. The parties may appear before the CGIT on 22<sup>nd</sup> July, 2022.

7. *Dasti.*

**DINESH KUMAR SHARMA, J**

**JULY 11, 2022/st**