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

- + W.P.(C) 3853/2013 and C.M. Appln. Nos.7169-70/2013
- + W.P.(C) 3854/2013 and C.M. Appln. Nos.7171-72/2013
- + W.P.(C) 3867/2013 and C.M. Appln. Nos.7199-7200/2013
- + W.P.(C) 3869/2013 and C.M. Appln. Nos.7206-07/2013
- + W.P.(C) 3870/2013 and C.M. Appln. Nos.7208-09/2013
- + W.P.(C) 3871/2013 and C.M. Appln. Nos.7210-11/2013
- + W.P.(C) 3872/2013 and C.M. Appln. Nos.7212-13/2013
- + W.P.(C) 3874/2013 and C.M. Appln. Nos.7216-17/2013
- + W.P.(C) 3875/2013 and C.M. Appln. Nos.7218-19/2013
- + W.P.(C) 3877/2013 and C.M. Appln. Nos. 7220-21/2013
- + W.P.(C) 3879/2013 and C.M. Appln. Nos. 7223-24/2013
- + W.P.(C) 3883/2013 and C.M. Appln. Nos.7227-28/2013

U.P. STATE ROAD TRANSPORT CORPORATION..... Petitioner

Through: Ms. Garima Parshad, Ms. Arpan
Wadhawan & Mr. Prem Anand,
Advocates.

versus

REGIONAL PROVIDENT FUND COMMISSIONER..... Respondent

Through: Mr. Sibho Shankar Mishra & Mr. M.K.
Pandey, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

31.05.2013

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1. Issue notice. Learned counsel for the respondent accepts notice.
2. This batch of writ petitions has been preferred by the petitioner U.P.

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

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State Road Transport Corporation to assail the orders passed by the concerned Provident Fund Commissioner under Section 14-B of the Employees Provident Fund & Miscellaneous Provisions Act and the orders passed in appeal by the Employees Provident Fund Appellate Tribunal (the Appellate Tribunal) in the appeals preferred by the petitioner under Section 7-I of the Act. The details of the orders passed under Section 14-B and those passed by the Appellate Tribunal are as follows:

WP(C) No.	UPSRTC REGION & (CODE)	PERIOD OF DUES	Date of notice	RPFC ORDER DATED	ATA NO.	EPFAT ORDER DATED	AMOUNT OF DAMAGES (U/s.14B)	AMOUNT OF INTEREST (U/s.7Q)
3853 of 2013	Roorkee (1400)	November 1974 to February 1996	07.04.1997	15.09.1997	664(14)2001	23.06.2010	Rs.5,66,040/-	No order under 7Q
3871 of 2013	Baraut (13401)	February 1988 to February 1996	07.04.1997	10.07.1997	666(14)2001	23.06.2010	Rs.3,86,068/-	No order under 7Q
3869 of 2013	Meerut (735)	October 1972 to July 1995	20.12.1996	04.09.1997.	665(14)2001	23.06.2010	Rs.13,34,061/-	No order under 7Q
3872 of 2013	Meerut (14907)	September 1990 to February 1996	07.04.1997	17.07.1997.	663(14)2001	23.06.2010	Rs.7,06,630/-	No order under 7Q
3867 of 2013	Meerut (2947)	March 1996 to April 1998*	11.11.1998	02.07.1999	113(14)2001	23.06.2010	Rs.12,10,922/-	--
3875 of 2013	Meerut (508)	June 1976 to February 1995	20.12.1996	04.09.1997.	662(14)2001	23.06.2010	Rs.2,44,378/-	No order under 7Q
3883 of 2013	Ballia (844)	March 2000 to November 2006	22.08.2007	22.05.2008	509(14)2008	06.07.2010	Rs.19,17,246/-	Rs.7,41,545/-

(* except balance payment of August 1996 – October 1996)

3. I have disposed of a batch of writ petitions, which are similar to the

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present batch vide my judgment dated 24.05.2013 in W.P.(C.) No. 5648/2010 & other connected matters.

4. Having heard learned counsel for the parties and perused the record, I dispose of the present batch of writ petitions in terms of my judgment dated 24.05.2013 in W.P.(C.) No. 5648/2010 & other connected matters.

5. Accordingly, I direct as follows:

6. I allow these writ petitions and quash the impugned orders passed under Section 14-B and appellate orders in each of these cases. The matter is remanded back to the Assistant Provident Fund Commissioners concerned for re-adjudication of the show cause notices issued to the petitioner under Section 14-B of the Act. The APFC concerned shall provide to the petitioner the basis on which it propose to raise the demand under Section 14-B and charge interest under Section 7Q. The submissions that the petitioner may advance shall also be considered and reasoned orders shall be passed by the APFC concerned dealing with the pleas of the petitioner. In case the petitioner is aggrieved and prefers further appeals before the Appellate Tribunal, the Appellate Tribunal shall also consider the submissions that the petitioner may advance in its appeals and pass reasoned orders after duly considering the same. Needless to state that the APFC and the Appellate Tribunal shall be guided by the relevant rulings applicable in the facts of each case.

7. The petitions stand disposed of in the aforesaid terms leaving the parties to bear their own costs.

8. The amount deposited by the petitioner in pursuance of the orders passed under Section 14-B and 7Q shall continue to remain in deposit with the respondent, and the final appropriation of the same shall abide by the further orders that may be passed.



VIPIN SANGHI, J.

MAY 31, 2013
BSR

— CM 11182/13 For Modification