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

+ W.P.(C) 9409/2022

CENTRAL BOARD OF TRUSTEES, EMPLOYEES PROVIDENT
FUNDS ORGANISATION

..... Petitioner

Through: Mr. Siddharth, Standing Counsel with
Mr. Amit Kumar Agarwal,
Advocates.

versus

M/S. ASCOT HOTELS AND RESORTS PRIVATE LIMITED

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **03.06.2022**

CM APPL.28159/2022 (exemption)

Exemption is allowed subject to all just exceptions.

**W.P.(C) 9409/2022 & CM APPL.28158/2022 (stay), CM
APPL.28160/2022 (for condonation of delay)**

1. Present petition has been filed challenging final order dated 09.12.2021 passed in ATA No.967(4) 2014 by CGIT-cum-Labour Court Delhi.

2. In the impugned order dated 09.12.2021, the CGIT allowed the appeal filed by the establishment *inter alia* holding that the authorities below has passed the order without giving any findings on mens rea behind the delay remittance. The matters involving identical question was also raised in W.P.(C) 7711/2022 titled *Assistant Provident Fund Commissioner, Regional*



Office, Delhi (South) vs. M/s. B2R Technologies Pvt. Ltd.

3. Petitioner in the present case has relied upon the judgment of the Supreme Court in *Horticulture Experiment Station Gonikoppal, Coorg vs. Regional Provident Fund Organisation*: (2022) 4 SCC 516, wherein it was inter alia held as under:-

4. None has appeared on advance notice.

5. Issue notice to respondent through all permissible modes, returnable on 24th August, 2022.

6. In the meantime, operation of impugned order dated 09.12.2021 shall remain stayed till the next date of hearing.

DINESH KUMAR SHARMA, J

JUNE 3, 2022
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