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

+ **W.P.(C) 12723/2022**

M/S INDUS CONSTRUCTION COMPANY

..... Petitioner

Through: Mr. G. D. Parashar, Mr. J. R. Sharma
and Mr. Bhupesh Sharma, Advs.

versus

CENTRAL BOARD OF TRUSTEES, E.P.F.O. AND ORS

..... Respondents

Through: Mr. Rajesh Kumar, Standing counsel
for EPFO with Mr. Harshit Garg,
Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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05.09.2022

CM APPL. 38642/2022 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 12723/2022

1. The present writ petition has been filed challenging the order dated 23rd May, 2022 passed by the learned Central Government Industrial Tribunal cum Labour Court –II, Rouse Avenue, District Court Complex Delhi (CGIT) and 30th June, 2014 passed by Assistant P. F. Commissioner.
2. Learned counsel for the petitioner submits that the enquiry was not conducted in accordance with the principles of natural justice. The



petitioner was also not given proper and effective opportunity to present his case.

3. Issue notice.
4. Mr. Rajesh Kumar, learned standing counsel accepts notice.
5. List the matter before the Joint Registrar for completion of pleadings on 14th September, 2022.
6. List the matter before the Court on 13th January, 2023.

CM APPL. 38641/2022

7. An application has been moved under restraining the respondent No.4 from the recovery of Rs.28,86,438/-.
8. Leaned counsel for the petitioner submits that in fact, the beneficiaries have not even been identified. Learned counsel submits that these are the transportation charges. It has been submitted that as the construction work was being carried out in narrow place therefore the traditional method of carrying the materials with donkeys were used. It has been submitted that actually the payment was made to the donkey's owner as transportation charges.
9. Issue notice.
10. Mr. Rajesh Kumar, learned standing counsel accepts notice.
11. The prayer has been made for the stay of recovery of the amount of Rs.28,86,438/-.
12. Let the operation of the impugned orders dated 23rd May, 2022 passed by the learned Central Government Industrial Tribunal cum Labour Court –II, Rouse Avenue, District Court Complex Delhi (CGIT) and



30th June, 2014 passed by Assistant P. F. Commissioner is stayed subject to the deposit of Rs.10 lakhs within four weeks.

13. List the matter before the Court on 13th January, 2023.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2022

Pallavi