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

+ **LPA 770/2023**

WHIRLPOOL OF INDIA LTD.

..... Appellant

Through: Mr. Anirudh Bakhru, Mr. Ayush Puri,
Mr. Umang Tyagi, Mr. Kanav
Madnani, Ms. Pragya Choudhary and
Ms. Vijay Laxmi Rathi, Advocates.

versus

REGIONAL PROVIDENT FUND COMMISSIONER AND ORS.

..... Respondent

Through: Ms. Inderjeet Sidhu, Advocate.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 16.01.2024

CM APPL. 2635/2024 -Delay 1 day in filing List of dates by Appellant.

1. The present application has been filed by the appellant seeking condonation of 1 day delay in filing the list of dates.
2. For the reasons stated therein, the application is allowed and the delay in filing the list of dates is condoned.
3. The application stands disposed of.

CM APPL. 61480-81/2023 -Ex.

4. Exemption allowed, subject to all just exceptions.
5. The applications stand disposed of.



LPA 770/2023, CM APPL. 61478/2023 -Delay 96 days, CM APPL. 61479/2023 –Stay

6. Pursuant to the last order, the appellant has filed a supplementary affidavit with a copy of an email dated 21.12.2023 received from its erstwhile counsel informing the appellant that the appeal against the impugned order could be filed within 90 days from the receipt of a certified copy thereof.

7. Learned counsel for the appellant, by placing reliance on the aforesaid email, submits that the appellant could not be faulted for the belated filing of the appeal since it had filed the appeal within the period as advised by their erstwhile counsel.

8. Learned counsel for the appellant further submits that the impugned order is wholly perverse as the learned Single Judge has without properly appreciating the factual matrix arrived at a conclusion that the ‘canteen allowance’, being paid to the appellant’s employees would fall within the ambit of the term ‘Basic Wages’ as defined under Section 2 (b) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

9. Issue notice. Learned counsel for the respondent accepts notice. She prays for and is granted four weeks’ time to file a reply. Rejoinder thereto, if any, be filed within two weeks thereafter.

10. Taking into account that the amount in terms of the respondent’s order dated 28.07.1999 already stands deposited with the Registrar General of this Court, as also the fact that there was an interim stay operating in favour of the appellant before the learned Single Judge, it is directed that till the next date, the respondents will stand restrained from withdrawing the amount deposited by the appellant.



10. List on 4th April, 2024.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 16, 2024/ib