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

+ W.P.(C) 5185/2011 & CM APPL. 30900/2022

FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER GR.II

..... Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 5186/2011 & CM APPL. 30187/2022

FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER G.R.II

..... Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 5552/2011 & CM APPL. 30334/2022

FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER G.R.II

..... Respondent



Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 5668/2011 & CM APPL.35023/2022
FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER GR.II

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 5964/2011 & CM APPL.29555/2022
FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER GR.II

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 6954/2014 & CM APPL. 16368/2014, CM APPL.
33614/2022

FOOD CORPORATION OF INDIA FSD LAKHEWALI
(MUKTSAR) Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER Respondent



Through:

+ W.P.(C) 6964/2014 & CM APPL. 30332/2022

FOOD CORPORATION OF INDIA, BHAWANIGARH SANGRUR
(PB.) Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER, BATHINDA
(PB) Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 7972/2014 & CM APPL. 18682/2014, CM APPL.
42486/2018

FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER Respondent

Through: Mr. Avnish Singh, Advocate for
respondent No.1.
Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent
No.2.

+ W.P.(C) 7987/2014 & CM APPL. 18710/2014, CM APPL.
30185/2022

FOOD CORPORATION OF INDIA Petitioner



Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 8051/2014 & CM APPL. 18814/2014
FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONERRespondent

Through: Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent
No.2.

+ W.P.(C) 8203/2014 & CM APPL. 19117/2014
FOOD CORPORATION OF INDIA, AHMEDAGARH, SANGRUR
(PB) Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER, BATHINDA
(PB) Respondent

Through: Mr. Avnish Singh, Advocate for
respondent No.1.
Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent



No.2.

+ W.P.(C) 8303/2014 & CM APPL. 19255/2014, CM APPL.
30186/2022, CM APPL. 30333/2022

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate..

versus

REGIONAL PROVIDENT FUND COMMISSIONER..... Respondent

Through: Mr. Avnish Singh, Advocate for
respondent No.1.
Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent
No.2.

+ W.P.(C) 4944/2015 & CM APPL. 36106/2017, CM APPL.
47394/2019

FOOD CORPORATION OF INDIA, PATRAN, DISTRICT,
PATIALA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER,
CHANDIGARH

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 8235/2014 & CM APPL. 19146/2014, CM APPL.
30335/2022

FOOD CORPORATION OF INDIA FSD, LADHUKA, FEROZPUR



(PB)

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER, BATHINDA

(PB)

..... Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 8237/2014 & CM APPL. 19151/2014, CM APPL.
33769/2022

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONERRespondent

Through: Mr. Avnish Singh, Advocate for
respondent No.1.
Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent
No.2.

+ W.P.(C) 8310/2014 & CM APPL. 19262/2014, CM APPL.
30341/2022

FOOD CORPORATION OF INDIA, FSD FAZILKA, FEROZPUR

(PB)

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER, BATHINDA

(PB)

....Respondent



Through: Ms. Amita Gupta with Mr. Ankit Kumar, Ms. Pinky Aggarwal, Mr. Aayush Gupta and Mr. Vivek Salathia, Advocates for respondent No.2.

+ W.P.(C) 8321/2014 & CM APPL. 19282/2014, CM APPL. 30283/2022

FOOD CORPORATION OF INDIA (MUKTSAR) Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER-II

..... Respondent

Through: Mr. Avnish Singh, Advocate for respondent No.1.
Ms. Amita Gupta with Mr. Ankit Kumar, Ms. Pinky Aggarwal, Mr. Aayush Gupta and Mr. Vivek Salathia, Advocates for respondent No.2.

+ W.P.(C) 109/2015 & CM APPL. 167/2015

FOOD CORPORATION OF INDIA Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.



+ W.P.(C) 995/2015 & CM APPL. 1759/2015, CM APPL. 32541/2022
FOOD CORPORATION OF INDIA, NIHAL SINGH WALA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 1399/2015 & CM APPL. 2453/2015
FOOD CORPORATION OF INDIA KHANAURI, SANGRUR (PB.)

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONER BATHINDA
(PB.)

..... Respondent

Through: Mr. B. B. Pradhan, Advocate.

+ W.P.(C) 1646/2015
FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

REGIONAL PROVIDENT FUND COMMISSIONERRespondent

Through: Mr. B.B. Pradhan, Advocate. +

W.P.(C) 1911/2015
FOOD CORPORATION OF INDIA

..... Petitioner



Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.
versus

REGIONAL PROVIDENT FUND COMMISSIONER V...Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 1922/2015 & CM APPL. 30336/2022
FOOD CORPORATION OF INDIA DISTRICT, MOGA (PB.)

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.
versus

REGIONAL PROVIDENT FUND COMMISSIONER BATHINDA
(PB.)

..... Respondent

Through: Ms. Amita Gupta with Mr. Ankit
Kumar, Ms. Pinky Aggarwal,
Mr. Aayush Gupta and Mr. Vivek
Salathia, Advocates for respondent
No.2.

+ W.P.(C) 5171/2016 & CM APPL. 21536/2016

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

THE ASSISTANT PROVIDENT FUND COMMISSIONER

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 5203/2016 & CM APPL. 21627/2016

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate



with Mr. Rajeev Sharma, Advocate.

versus

THE ASSISTANT PROVIDENT FUND COMMISSIONER

..... Respondent

Through: Mr. B.B. Pradhan, Advocate.

+ W.P.(C) 6642/2016

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

THE ASSISTANT PROVIDENT FUND COMMISSIONER

..... Respondent

Through: Mr. Avnish Singh, Advocate.

+ W.P.(C) 2753/2017 & CM APPL. 11957/2017, CM APPL.
14472/2022

FOOD CORPORATION OF INDIA

..... Petitioner

Through: Mr. Sukumar Pattjoshi, Sr. Advocate
with Mr. Rajeev Sharma, Advocate.

versus

ASSISTANT PROVIDENT FUND COMMISSIONER ...Respondent

Through: Ms. Inderjeet Sidhu, Advocate.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

29.08.2022

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During the course of the submissions, learned counsel appearing for the parties, submit that there are broadly two categories of matters in the



present batch of petitions.

The writ petition bearing W.P.(C) 5185/2011, W.P.(C) 5186/2011, W.P.(C) 5552/2011, W.P.(C) 5668/2011, W.P.(C) 5964/2011, W.P.(C) 5171/2016, W.P.(C) 5203/2016, W.P.(C) 6642/2016 and W.P.(C) 2753/2017 are the writ petitions challenging the order passed by the authority under Section 14B and 7 Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

The remaining writ petitions bearing W.P.(C) 6954/2014, W.P.(C) 6964/2014, W.P.(C) 7972/2014, W.P.(C) 7987/2014, W.P.(C) 8051/2014, W.P.(C) 8203/2014, W.P.(C) 8303/2014, W.P.(C) 4944/2015, W.P.(C) 8235/2014, W.P.(C) 8237/2014, W.P.(C) 8310/2014, W.P.(C) 8321/2014, W.P.(C) 109/2015, W.P.(C) 995/2015, W.P.(C) 1646/2015, W.P.(C) 1911/2015, W.P.(C) 1922/2015 have been filed challenging the order passed by the authority under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

Learned senior counsel for the petitioner and learned counsel for the workmen submit that thus instead of listing the matters together, these matters can be listed separately in two categories i.e. the petitions challenging the order passed under Section 7A and those challenging the order under Section 14 B and 7 Q of the Act. However, learned counsel for the EPFO/RPFC submit that all orders under challenge are separate orders pertaining to the different depots of FCI. It has been submitted that the facts of all case are different and thus, this Court will have to look into the facts of each case.

However, it has not been disputed by the learned counsel for the EPFO/RPFC that the legal proposition can only be divided into two



categories as stated above.

This Court considers that in order to avoid any confusion let these matters be not listed together in the batch matters as it listed today.

These matters be divided in the two categories of the writ petitions challenging orders passed under Section 14 B and 7 Q of the Act and writ petitions challenging orders passed under Section 7A of the Act.

Learned counsel for the parties are directed to file a convenience set as per the categories mentioned above. Learned counsel for the EPFO/RPFC are directed to sit together and file one convenience set for all the cases of respective batches of the respective categories.

The convenience set along with brief written submissions and the judgments which they wish to rely upon be positively filed within four weeks with advance copy to the other parties.

The writ petitions challenging the order under Section 7A be listed on 2nd November, 2022.

The writ petitions challenging the order passed under Section 14B and 7 Q on 14th November, 2022.

CM APPL. 14472/2022 (early hearing) in W.P.(C) 2753/2017

List on 14th November, 2022.

DINESH KUMAR SHARMA, J

AUGUST 29, 2022

Pallavi