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

CM APPL. Nos.14275/2010, 17040/2020

in

+ **W.P.(C) 7201/2010**

SHRI SAI BHAKTA SAMAJ

.....Petitioner

Through : Mr. Harvinder Singh, Adv.

versus

REGIONAL PROVIDENT FUND COMMISSIONER AND ANR.

.....Respondents

Through : Mr. Vikramjit Banerjee, ASG along
with Mr. Manish Dhir, Adv. for R-1.
Mr. Shailesh Kapoor, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **22.01.2021**

[Court hearing convened via video-conferencing on account of COVID-19]

1. My attention has been drawn by Mr. Vikramjit Banerjee, learned ASG, who appears for respondent no. 1/Regional Provident Fund Commissioner [RPFC], to paragraphs 8 and 9 of the order dated 15.09.2020.
2. Insofar as paragraph 8 of the order dated 15.09.2020 is concerned, the Court has made two observations. First, that respondent no. 1/RPFC is free to make a determination as regards the EPF dues. Second that there is an obligation cast on the petitioner-society to deposit the EPF amounts with RPFC in accordance with the law.

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3. I have no doubt that both the petitioner-society and respondent no. 1/RPFC will act in accordance with the extant provisions of law.
4. As regards the direction contained in paragraph 9 of the order dated 15.09.2020 is concerned, Mr. Harvinder Singh, who appears for the petitioner-society, says that compliance has been made and an affidavit, in that behalf, has been filed with the Registry.
5. However, Mr. Shailesh Kapoor, who appears for respondent no. 2 [i.e. workmen], says that he has not received a copy of any such affidavit.
6. Mr. Banerjee says that though he has received a copy of the affidavit, the same does not give details in terms of paragraph 9 of the directions contained in order dated 15.09.2020.
7. Given these circumstances, Mr. Singh will revisit the position and examine, as to whether, the affidavit already filed with the Registry, which is not placed on the Court's record, provides details, as directed, *via* paragraph 9 of the order dated 15.09.2020.
- 7.1 If the details given in the affidavit, already filed, are deficient, Mr. Singh will file a fresh affidavit; the copies of which will be furnished both to Mr. Kapoor and Mr. Banerjee/Mr. Manish Dhir.
8. Furthermore, in any event, Mr. Singh will also furnish a copy of the affidavit already filed to Mr. Kapoor.
9. I may only re-emphasize that since there is no stay operating in the matter, the petitioner-society will continue to deposit the provident funds dues with respondent no. 1/RPFC.



10. In the meanwhile, counsels for the parties will file their written submissions, if not already filed, not exceeding three pages each at least three days prior to the next date of hearing.

11. List on 05.05.2021.

RAJIV SHAKDHER, J

JANUARY 22, 2021

pmc

[Click here to check corrigendum, if any](#)

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