

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.1119 of 2018

Tata Hitachi Construction Machinery Co. Pvt. Ltd.
(previously known as Telco Construction Equipment Co. Ltd.).
..... Petitioner.

-Versus-
Employees Provident Fund Organization, Jamshedpur & Ors.
..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Sachin Kumar, Advocate
For Respondent Nos.1 to 4: Mr. Rupesh Singh, Advocate

Order No.04

Date: 28.08.2018

I.A. No.7352 of 2018:

The present interlocutory application has been filed on behalf of the petitioner for staying the operation of the impugned order, contained in letter no.1332 dated 31st July, 2017 (Annexure-5 to the writ petition) passed by the Assistant Provident Fund Commissioner, Jamshedpur-respondent no.2 under Section 8F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter to be referred as the 'Act, 1952').

Learned counsel for the petitioner submits that the impugned order dated 31st July, 2017, so far as the same relates to the petitioner, is misconceived, as the petitioner does not owe any amount to be paid to the concerned employer (respondent no.5-M/s. Earth Movers Consultancy Pvt. Ltd.) i.e. no amount is due to be paid by the petitioner to the respondent no.5 and as such there is no question of deducting the amount from the account of the respondent no.5 in terms with the provisions of Section 8F of the Act, 1952.

Having heard learned counsel for the parties and looking to the provisions of Section 8F of the Act, 1952, the impugned order dated 31st July, 2017 (Annexure-5 to the writ petition) shall remain stayed, so far as the same relates to the petitioner.

I.A. No.7352 of 2018 stands disposed of.

W.P.(C) No.1119 of 2018:

Notice.

-2-

Mr. Rupesh Singh, Advocate appears and waives notice on behalf of the respondent nos.1 to 4. He submits that the counter affidavit on behalf of the respondent nos.1 to 4 has already been filed.

Issue notice to the respondent no.5 under registered cover with A/D as well as ordinary process for which requisites etc. must be filed within a period of one week.

Notice is made returnable after four weeks.

(Rajesh Shankar, J.)

Sanjay/