IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO. 17089 OF 2023 (L-PF)

BETWEEN:

M/S. THAKRAL SERVICES (INDIA) LTD.,
1ST FLOOR, SHREE RAJARAJESHWARI ARCADE,
NO.23/50/1A/514/2/1-1,
NEAR COURTYARD MARRIOT HOTEL,
OUTER RING ROAD, OPP. LUMBINI GARDEN,
VEERANNAPALYA FLYOVER, BENGALURU-560 045.
REPRESENTED BY ITS AUTHORIZED SIGNATORY.
KHANWALJEET SINGH BAWA.

...PETITIONER

(BY SMT. HEMAVATHI., ADVOCATE FOR
SRI. CHINTAN CHINNAPPA., ADVOCATE)

AND:

1. REGIONAL PROVIDENT FUND
COMMISSIONER-II-CUM-RECOVERY OFFICER
(KARNATAKA),
REGIONAL OFFICE-YELAHANKA,
EMPLOYEES' PROVIDENT FUND ORGANISATION,
MINISTRY OF LABOUR AND EMPLOYEMENT,
GOVERNMENT OF INDIA,
NO.2, MAARUTI COMPLEX, 1ST A MAIN,
HIG A SECTOR, NEAR SBI,
YELAHANKA NEW TOWN, BENGALURU - 560 064.

2. UNION OF INDIA
MINISTRY OF LABOUR AND EMPLOYEMENT,
SHRAM SHAKTI BHAWAN, RAFI MARG,

Digitally signed by
THEJASKUMAR N
Location: High
Court of Karnataka

NEW DELHI-110 001.
REPRESENTED BY ITS SECRETARY.

…RESPONDENTS

(BY SMT. NALINI VENKATESH., ADVOCATE FOR R1;
SMT. SHRIDEVI BHONSALE.M., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR HEARING-INTERLOCUTORY APPLICATION, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Smt.Hemavathi., counsel on behalf of Sri.Chintan Chinnappa.M., for the petitioner and Smt.Nalini Venkatesh., counsel for respondent No.1 have appeared in person.

2. The captioned Writ Petition is filed seeking a Writ of Certiorari to quash the Recovery Order dated 21.07.2023 passed by the first respondent in No.KN/BG/RO-YNK/18692/Recovery/2023-24/115/25.7.23 under Section 8F & 8G of EPF & MP Act, 1952 R/w Summons under Section 30 of Civil Procedure Code, 1908 vide Annexure-A.

3. Counsel Smt.Hemavathi., submits that the petitioner has filed an appeal before the Central Government

Industrial Tribunal, Bangalore in E.P.F.No.64/2022. Counsel further submits that she is not aware whether interim applications are filed or not before the Tribunal. Hence, she seeks permission to file interim applications before the Tribunal. Counsel therefore, submits that an appropriate order may be passed.

Counsel Smt.Nalini Venkatesh., submits that an appropriate order may be passed.

4. Taking note of the fact that the petitioner has availed the alternate and efficacious statutory remedy by filing an appeal before the CGIT, nothing survives for consideration in the captioned Writ Petition. Hence, the Writ Petition is ***disposed of***.

The petitioner is permitted to file interim applications before the Tribunal, if not filed earlier. It is made clear that the interim order granted by this Court on 04.10.2023 shall continue to operate till the consideration of the applications before the Tribunal.

5. Lastly, counsel Smt.Nalini Venkatesh., submits that pursuant to the interim order granted by this Court, the

petitioner has deposited a sum of Rs.10,00,000/- (Rupees Ten Lakh only) before this Court. Hence, a suitable order may be passed.

Submission is noted. The Registry concerned is hereby directed to transmit the amount in deposit to the Tribunal forthwith.

In view of disposal of the Writ Petition, pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI MULIMANI)
JUDGE

TKN
List No.: 1 Sl No.: 27