

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM NO 208, ROUSE
AVENUE DISTRICT COURT COMPLEX, NEW DELHI-110002.**

APPEAL NO. D-1/120/2019

M/s. United News of India

Appellant

Through:- Ms. Akanksha Narang, Ld. Counsel for the Appellant.

Vs.

RPFC Delhi Central

Respondent

Through:- Shri Puneet Garg, Ld. Counsel for the Respondent.

ORDER DATED 03.03.2021

An order dated 09.11.2020 passed by Hon'ble Delhi High Court In W.P. (C) 8851/2020 & CM APPLs. 284432020, 28444/2020 has been submitted by the Ld. Counsel for the Appellant wherein, the Hon'ble Delhi High Court has observed:-

12. Under these circumstances, while exercising jurisdiction under Article 226/227, this Court directs that the EPF Authorities ought to completely streamline their proceedings. Accordingly, the following directions are issued:

i) Whenever dates of hearing are fixed before the EPF Authorities, the company/assessee would be informed not just by speed post but also by e-mail. If the authorised representative's mobile number is available, notice shall also be served through WhatsApp;

ii) Once the date of hearing is fixed and the assessee has appeared before the Authority, the next date of hearing would be communicated by the Presiding Officer or by the staff concerned to the assessee, at the end of the hearing itself, so that notice of the next date of hearing is with the assessee and there is no justification for non-appearance on the next date;

iii) The notice for the next date of hearing shall also be communicated by e-mail and WhatsApp, if required as per procedures, at least one week before the next date, even if the date of hearing may have been conveyed on the previous date.

iv) Whenever ex-parte orders are appealed against before the CGIT, the CGIT shall take into consideration whether notice of hearing was served in time upon the assessee, and pass pre-deposit directions accordingly.

13. On the facts of the present case, it is clear that the assessment order dated 24th October, 2019 was an ex-parte order and the Assessee did not have the opportunity to put forward its case before the Authority. Accordingly, the order dated 24th October, 2019

passed by the Regional Provident Fund Commissioner-II is set aside.

14. The appeal before the CGIT being Appeal No. D-1/120/2019 titled M/s United News of India v. RPF, Delhi (S) shall stand disposed of in view of this order.

15. The Petitioner-Assessee shall now be given an opportunity to put forth its case before the EPFO and a speaking order shall be passed after hearing the Assessee. The order shall be passed by the EPFO, within three months from today.

16. The present petition is disposed of, in these terms. All pending applications are also disposed of. Copy of this order be circulated to the Central Provident Fund Commissioner, EPFO Head Office, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110066 by the Registrar (Appellate), so as to ensure onward communication to all EPFOs and authorities, to ensure compliance. Copy of the order be also communicated by the Registrar (Appellate), to the Presiding Officers, Central Government Industrial Tribunal-cum-Labour Court Delhi - I and II, Rouse Avenue Court Complex, Delhi - 110002.

In view of the aforementioned order passed by Hon'ble Delhi High Court, the present appeal filed in this Tribunal stands disposed of. Record be consigned to the record room after sending the order to the parties as per rules.

Sd/-
Pranita Mohanty
(Presiding Officer)