

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1143 OF 2024

Writ Appeal under clause 15 of the Letters Patent Against Order Dated 12/09/2024 in WP.No. 25326 of 2024 on the file of the High Court.

Between:

DTDC Express Limited, (earlier DTDC Courier and Caro Private Limited) No.1-11-249/1/A/B/C, Opp to Pantaloons Shamala Buildings Begumpet, Hyderabad- 500 016
Through its Authorized representative Sri Betha Dileep Pavan Kumar

...APPELLANT

AND

1. The Central Government Industrial, Tribunal Cum Labour Court Nampally, Near Mozamjahi Market, Hyderabad, Rep. by Presiding Officer
2. The Assistant Provident Fund Commissioner, C.1. Regional Office-1, Bhavishyanidhi Bhavan Barkutpura, Hyderabad - 500 027

...RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to impugned assessment order no. TS/RO/HYD-1/27403/1-1/2023-24/857 dated 18/03/2024 passed by Respondent No.2, including EPF Appeal No. 18 of 2024 on the file of the Central Government Industrial Tribunal cum Labour Court at Hyderabad.

**Counsel for the Appellant : SRI P.GAUTHAM RAO
Counsel for the Respondent No.1 : SRI GADI PRAVEEN KUMAR,
Dy. SOLICITOR GEN. OF INDIA
Counsel for the Respondent No.2 : --**

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1143 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. D.Prakash Reddy, learned Senior Counsel representing Mr. P.Gautham Rao, learned counsel for the appellant.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the respondent No.1.

2. With the consent of the learned counsel for the parties, the matter is heard finally.
3. In this intra court appeal, the appellant has assailed the validity of the order dated 12.09.2024 by which the writ petition preferred by the appellant, namely W.P.No.25326 of 2024, has been dismissed.
4. Facts giving rise to filing of this appeal briefly stated are that the appellant is a company engaged in providing courier services which operates across the country. The

appellant has a branch office in Hyderabad. The Hyderabad office of the appellant is an establishment within the meaning of Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

5. On a complaint made by an ex-employee of the company, premises of the appellant at Hyderabad was inspected. During the course of the inspection, it was found that the appellant has allegedly not remitted the correct provident fund dues for the period from 2014-2015 to 2018-2019. The Assistant Provident Fund Commissioner, by an order dated 18.03.2024, held the appellant liable to pay a sum of Rs.38,10,73,058/- on account of provident fund and allied dues.

6. Being aggrieved, the appellant filed an appeal before the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad (hereinafter referred to as, "the Tribunal") along with an application seeking waiver of the statutory deposit of 75% of the amount due under the order passed by the Assistant Provident Fund Commissioner. The Tribunal, by an order dated

03.07.2024, directed the appellant to deposit 40% of the determined amount as a condition precedent in entertaining the appeal. The appellant, therefore, challenged the said order in the writ petition. The learned Single Judge, by an order dated 12.09.2024 has maintained the said order and has dismissed the writ petition. In the aforesaid factual background, this intra court appeal arises for consideration.

7. Learned Senior Counsel for the appellant has raised a solitary contention that the beneficiaries who are required to be paid the amount of provident fund are not identifiable and it is further submitted that the appellant is ready and willing to secure the amount which is due and payable to the employees on adjudication. It is, therefore, submitted that the appellant be granted the liberty to deposit 25% of the amount as directed by the Tribunal and for the remaining 15% of the amount, the appellant be permitted to furnish bank guarantee.

8. On the other hand, the learned Deputy Solicitor General of India submitted that no interference is required in the order passed by the learned Single Judge.

9. We have considered the submissions made by learned counsel for the parties and have perused the record.

10. Admittedly, there is no material on record to indicate the names of the employees who shall be entitled to the amount of provident fund. The amount, if any deposited by the appellant, shall lie in the deposit with the Tribunal. However, there is a need to secure the amount which is due to the beneficiaries as provident fund.

11. Therefore, in the peculiar facts of the case, it is directed that the appellant shall deposit 25% of the amount as directed by the Tribunal within a period of three weeks from today. In respect of the balance 15%, the appellant shall furnish the bank guarantee within the same time limit.

12. To the aforesaid extent, the order passed by the learned Single Judge dated 12.09.2024 and the order dated 03.07.2024 passed by the Tribunal are modified.

13. The writ appeal is accordingly disposed of

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.


SD/ T. KRISHNA KUMAR
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Presiding Officer, Central Government Industrial, Tribunal Cum Labour Court Nampally, Near Mozamjahi Market, Hyderabad.
2. One CC to SRI P.GAUTHAM RAO, Advocate. [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, (Deputy Solicitor General of India), High Court for the State of Telangana at Hyderabad. [OPUC]
4. Two CD Copies.

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HIGH COURT

DATED:30/09/2024

CC TODAY



JUDGMENT

WA.No.1143 of 2024

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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30/9/2024