



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><b><u>WPMS/1953/2026</u></b></p> <p>Asp Sealing Products Ltd. --Petitioner</p> <p style="text-align: center;"><b>Versus</b></p> <p>Employees Provident Fund Organization --Respondent</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J</u></b></p> <p>1. Mr. T.A. Khan, learned Senior Counsel appearing for the petitioner.</p> <p>2. Mr. Ravi Sehgal, learned counsel for the respondents.</p> <p>3. Petitioner has challenged order dated 30.01.2026 passed by Regional Provident Fund Commissioner 2<sup>nd</sup>, Haldwani, Nainital in proceedings under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.</p> <p>4. Learned Senior Counsel appearing for the petitioner submits that coordinate Bench, in earlier round of litigation, had remanded the matter back to Regional Provident Fund Commission for reconsidering the matter in the light of Para 32-A of the Employees' Provident Fund Scheme, 1952; however, learned Commissioner has misinterpreted the provisions of the Scheme and has arrived at a wrong conclusion. Thus, it is contended that the remedy under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is illusory and writ petition would</p>



be maintainable.

5. Per contra, learned counsel appearing for the respondents submits that Section 7-I of the Act provides a Statutory remedy, therefore, petitioner cannot be permitted to bypass that remedy, and the only course available to him is to file an appeal before the Tribunal.

6. This Court finds substance in the said contention. Since the Statute provides for a remedy to the petitioner, therefore, the only course available to the petitioner is to avail that remedy before approaching this Court.

7. The writ petition is, accordingly, disposed of with liberty to petitioner to file appeal before the Tribunal. If he files appeal within ten days from today, the same shall heard and decided on merit. For a period of ten days only, no coercive action shall be taken against the petitioner, pursuant to the impugned order.

**(Manoj Kumar Tiwari, J)**

30.06.2026

Aswal