

\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 4th December, 2020

+ **W.P.(C) 9530/2020 & CM APPL. 30575-76/2020**
M/S CIVICON ENGINEERING CONTRACTING INDIA PVT LTD
& ANR. Petitioners

Through: Mr. Tejpal Singh Kang and Ms. Palak
Nenwani, Advocates (M:
(9289085513).

versus

THE CENTRAL BOARD OF TRUSTEES & ORS. Respondents

Through: Mr. Puneet Garg, Advocate (M:
9818817044).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. The present petition has been filed by the Petitioner, seeking a copy of orders dated 3rd June, 2019, passed by the Employees' Provident Fund Organization (*hereinafter* 'EPFO) under Sections 7Q & 14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, which have led to the issuance of demand notice dated 6th November, 2020.
3. It is submitted by Mr. Tejpal Kang, Id. counsel for the Petitioner that despite repeated visits to EPFO and making requests for a copy of the said orders, the same has not been supplied. Id. counsel has taken the Court through the various letters which have been sent by the Petitioner to EPFO and also the personal visits, which have been made.
4. On the other hand, Mr. Garg, Id. counsel appearing for the Respondents submits that the said orders were communicated to the Petitioner by speed post and that this is only an excuse being created by the Petitioner to overcome the objections on limitation.

5. A perusal of the documents filed with the petition shows that attempts have been made to obtain the orders and personal visits have been made by the staff of the Petitioner. However, this is disputed by the Respondent on the ground that this is merely an excuse and the order was already available with the Petitioner.

6. The admitted position is that recovery proceedings have been already initiated based on the orders dated 3rd June 2019. Without going into the question as to whether requests were made for a copy of the said orders or not, suffice it to say that orders passed by such departments should be readily available to litigants and their counsels, in order to enable them to avail of their remedies in accordance with law. The non-availability of orders would be completely unjustified, especially during the pandemic when most offices are working in an online mode. The availability of orders online would obviate the need for litigants to file petitions such as the present one wherein the only prayer is for making orders available.

7. Almost all courts and tribunals across the country make their orders and proceeding sheets available online. The necessity for the same, especially during the COVID-19 pandemic needs no emphasis. It is part of good governance of all institutions, especially authorities and bodies performing public functions to provide services to the maximum extent possible by integrating technology in their everyday working. The EPFO need not be an exception. A perusal of the EPFO's website shows that there are more than 6.6 lakh establishments registered with the EPFO. An online search also reveals that on the website www.eproceedings.epfindia.gov.in, in the window relating to daily orders, not a single order dated 3rd June 2019 is uploaded. Thus, there appears to be a clear lapse by the authorities.

8. Accordingly, it is directed that the Central Provident Fund Commissioner ('CPFC') shall pass immediate practice directions in respect of uploading of all orders which are passed by the Regional Provident Fund Commissioners (RPFCs), Assistant Provident Fund Commissioners (APFC), Central Government Industrial Tribunal (CGIT) and any other officials/authorities who adjudicate disputes. The said practice directions shall stipulate the manner of passing orders, timelines for uploading, timelines for communication to parties etc., which shall be adhered to by all the adjudicating authorities/officers. The orders ought to be, in addition, communicated by email to the parties while simultaneously being uploaded on the EPFO website.

9. In the meantime, Mr. Kang, Id. counsel would be supplied a copy of both orders dated 3rd June, 2019, within one week by Mr. Puneet Garg, Id. Counsel. The limitation and right to avail of legal remedies will run from the date when the orders are supplied to the Petitioner.

10. Let a detailed compliance affidavit as to the manner in which these directions are to be implemented, be filed by the CPFC, within a period of six weeks. Copy of this order be communicated by the Registrar (Appellate) to the Central Provident Fund Commissioner (CPFC), EPFO Head Office, Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi – 110066. The order shall also be communicated by email to the CPFC on cpfc@epfindia.gov.in. In addition, Mr. Puneet Garg, Id. counsel also agrees to communicate this order to the CPFC.

11. The petition, along with all pending applications, is disposed of in the above terms. List on 11th February, 2021 for the purpose of receiving the compliance affidavit in terms of this order.

PRATHIBA M. SINGH, J.

DECEMBER 4, 2020/MR/A