

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2023
(@ Diary No. 25286 of 2023)

EMPLOYEES PROVIDENT FUND ORGANIZATION

APPELLANT

VERSUS

FANENDRA HARAKCHAND MUNOT & ANR.

RESPONDENTS

O R D E R

Delay condoned.

Having heard the learned counsel for the appellant - Employees Provident Fund Organization¹, we are of the view that the Commissioner and employees of the EPFO must take steps to ensure that there is compliance with the timelines provided under the Insolvency and Bankruptcy Code, 2016². Failure may have legal consequences. The employees of the EPFO must be aware of the consequences in order to ensure compliance. In case there is dereliction of duty, action should be taken against erring employees in accordance with law.

Having said so, we are of the opinion that the impugned judgment does not, in any way, affect the rights of the EPFO to proceed in accordance with law, in view of Section 36(4)(a) (iii) of the IBC.

Recording the aforesaid, we do not find any good ground and

1 For short, "EPFO".

2 For short, "IBC".

reason to interfere with the conclusion(s) reached in the impugned judgment and hence, not inclined to issue notice.

The appeal is dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
AUGUST 25, 2023.

ITEM NO.26

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No. 25286/2023

(Arising out of impugned final judgment and order dated 19-04-2023 in CAAT(I) No. 427/2023 passed by the National Company Law Appellate Tribunal)

EMPLOYEES PROVIDENT FUND ORGANIZATION

APPELLANT

VERSUS

FANENDRA HARAKCHAND MUNOT & ANR.

RESPONDENTS

(FOR ADMISSION and IA No.162452/2023-EX-PARTE STAY and IA No.162450/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 25-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s)

Ms. Archana Pathak Dave, AOR
Mr. Kumar Prashant, Adv.
Mr. Avnish Dave, Adv.
Mr. Vaibhav Dwivedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)