

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2240 OF 2015

Shree Renuka Sugars Limited Unit - Pathri.. Petitioner

Versus

The Assistant Provident Fund Commissioner.. Respondent

Shri P. R. Patil, Advocate for the Petitioner

Shri K. B. Chaudhari, Advocate for the Respondent Sole

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 26TH FEBRUARY, 2015.

PER COURT :

1) Mr. Patil the learned counsel submits that, petitioner has filed appeal before the Employee's Private Fund Tribunal, however, there is no Presiding Officer. As such said application is not being decided and the respondent is seeking recovery.

2) Mr. Chaudhari, the learned counsel for the respondent submits that, the amount due is towards the interest under section 7-Q of the Employees Provident Funds and

Miscellaneous Provisions Act, 1952 and damages under section 14-B of the said Act. According to the learned counsel an amount of Rs. 8,43,378 (Rs. Eight Lac Fourty Three Thousand Three Hundred Seventy Eight) is due which the petitioner is liable to pay.

3) It appears that, the matter is subjudice in appeal, however, as the Presiding Officer of the tribunal is not available, the present matter is moved. The tribunal would consider the legality of the dues and the case of the petitioner as contended by the petitioner. By way of an interim arrangement we pass the following order -

ORDER

A) The petitioner shall deposit an amount, of Rs. 4,00,000/- (Rs. Four Lacs) with the respondent, within a period of four (4) weeks from today.

B) On deposit of the said amount the respondent shall not execute the impugned order dated 04.12.2014.

4) This order is passed only by way of an interim arrangement till the availability of the Presiding Officer with the Appellate Tribunal. The Appellate Tribunal can independently consider the application and the appeal filed by the petitioner on its own merits. Writ petition is accordingly disposed of with aforesaid observations and directions. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

sam/Feb. 15