

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

WRIT PETITION NO. 2920 OF 2015

M/s Agasti Gramin Bigarsheti Sahakari
Patsanstha Marayadit, Akole,
District Ahmednagar, Maharashtra,
through its Managing Director

...PETITIONER

V E R S U S.

Assistant Provident Fund Commissioner-H/OIC
S.R.O., Nashik Employees Provident Fund
Organisation, Bhavishya Nidhi Bhavan,
Plot No. P-11, M.I.D.C. Satpur,
Nashik- 422 007 State of Maharashtra.

...RESPONDENT

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Mr. V.P. Golewar, Advocate for Petitioner
Mr. K.B. Chaudhari, Advocate for respondent

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 1st APRIL, 2015

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of learned counsel for the parties.
2. Petitioner is before this court, aggrieved by warrant of attachment of the property dated 11-02-2015. After hearing the parties, it transpires that warrant has already been executed as the property has already been attached.
3. Learned counsel for the petitioner submits that an appeal before appropriate authority has been preferred against the order

dated 29-04-2013 of the Assistant Provident Fund Commissioner, S.R.O. Nashik, who had directed the petitioner to enroll all pigmy agents as members under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 from the date they are working for the establishment within six weeks of the date of issuance of the order. It is further being brought to the notice of this court that the appellate authority under an order dated 22-10-2013 has stayed the effect of operation of the order dated 29-04-2013 till next date. However, subsequently tribunal has not rendered decision in the appeal and adjourned the same to 13-1-2015 and as such attachment could not be proceeded with and despite stay being in operation, warrant of attachment has been issued on 11-2-2015 by the Assistant Provident Fund Commissioner/Recovery Officer, Employees Provident Fund Commissioner, which is impugned in present petition.

4. Taking into account aforesaid, ends of justice can be met with, though it is being stated by learned counsel appearing for respondent that warrant of attachment dated 11-2-2015 has already been executed, by not taking up further proceedings in respect of attached property until disposal of the appeal, since the appellate court has by order dated 22-10-2013 already stayed the order dated 29-4-2013.

5. The appeal, however, may be taken up for expeditious disposal. With these observations, writ petition stands disposed of.

6. Rule is made absolute accordingly. No order as to costs.

Sd/-
(**SUNIL P. DESHMUKH, J.**)

MTK