

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

WRIT PETITION NO. 5817 OF 2015

THE BHAURAO CHAVAN SAHAKARI SAKHAR KARKHANA LTD.,
THROUGH ITS AUTHORIZED OFFICER
VERSUS
THE ASSISTANT PROVIDENT FUND COMMISSIONER AND
OTHERS

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Advocate for Petitioner : Mr. S.B. Ghatol Patil
AGP for Respondents: Mr. K.G.Patil
Advocate for Respondent 1,2 : Mr. K.B.Chaudhary

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: June 24, 2015

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PER COURT :-

1. Mr. Ghatol Patil, the learned counsel for the petitioner states that appellate authority has not properly construed the application for condonation of delay. According to the learned counsel, the appeal was filed well within the prescribed period of limitation from the date of knowledge of the order and more particularly from the date of receipt of the order. According to the learned counsel, this aspect has been totally lost sight by the appellate Authority.

2. Mr. Chaurhdary, learned counsel for respondents submits that, the appellate authority has properly considered all the aspects of the matter in its proper perspective and arrived at correct conclusion. Amount has been recovered from the respondent no.3. Petitioner even assailed the order. Appeal has to be filed within 60 days of the issuance of the order. Order was already served on the petitioner and respondent No.3. Petitioner is stepping to the shoe of his predecessor. No error has been committed.

Appeal was filed by the present petitioner aggrieved by order of section 7-A of the Employees Provident Fund and Miscellaneous Provision Act, 1952.

3. Order was against predecessor of the petitioner. It is averred by the respondents that entire amount has been recovered from the respondent no.3. Order under section 7-A of the Act which is assailed before the Appellate Authority is dated 11.4.2011 and corrigendum to the said order is issued on 12.5.2011. Appeal is filed on 22.5.2015. The petitioner purchased assets from respondent No.3 on 22.11.2012. Notice under section 7-Q and 14-B is served upon the petitioner on 7.8.2014. These facts would go to show that appellate authority has not committed any error.

4. The petitioner would be entitled to agitate all contentions raised in this petition in proceedings under section 7Q and 14B as would be permissible in law. In case, such proceedings are culminated, the petitioner is at liberty to prefer appeal in accordance with law and, in that event all contentions of the petitioner are kept open.

5. Writ Petition accordingly stands disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-