

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6969 OF 2015

THE VAIJAPUR MERCHANTS COOPERATIVE BANK LTD., THROUGH ITS
AUTHORIZED SIGNATORY

PETITIONER

VERSUS

ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND
ORGANIZATIONS

RESPONDENT

Mr.A.R.Joshi, Advocate for the petitioner.
Mr.K.B.Chaudhary, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/07/2015

PER COURT :

1. I have heard Mr.A.R.Joshi and Mr.K.B.Chaudhary, learned Advocates on behalf of the petitioner and the respondent respectively.

2. An order passed u/s 14-B of the E.P.F. and M.P. Act, 1952 is challenged herein. It is informed that the Provident Fund Appellate Tribunal, New Delhi is available.

3. Mr.Joshi, therefore, submits on instructions that the petitioner be permitted to withdraw this petition. 75% of the assessed amount under the impugned order dated 12/06/2015 will be deposited with

the respondent office at Aurangabad prior to preferring an appeal u/s.7(I) of the said Act before the Appellate Tribunal. It is, therefore, submitted that the respondent should not proceed to initiate coercive steps for the recovery of the remainder 25% amount.

4. It is settled law that when 75% of the amount is deposited for preferring an appeal, the EPF authorities are not expected to resort to coercive steps as regards the residual amount.

5. With the above observations, this petition is permitted to be withdrawn with liberty to prefer an appeal within a period of 4 (four) weeks from today by recording the statement that the petitioner will deposit 75% of the assessed amount prior to institution of the appeal.

(RAVINDRA V. GHUGE, J.)