

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10961 OF 2015

M/s. Deogiri Nagari Sahakari Bank Ltd.,
Through the Chief Executive Officer,
Artha Complex, Kesarsingh Pura,
Adalat Road, Aurangabad.

...PETITIONER

VERSUS

The Union of India,
Through the Secretary,
The Ministry of Labour and
Employment, Government of India,
New Delhi
and others.

...RESPONDENTS

...

Mr.M.M. Bhokariker Advocate for Petitioner.
Mr. Bhushan Kulkarni Advocate for Respondent
No.1.
Mr. K.B. Chaudhari Advocate for Respondent
Nos. 2 to 5.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 16TH NOVEMBER, 2015

ORDER :

1. Liberty to add Regional Provident Fund

Commissioner-I, Nagpur as party Respondent. Mr. Chaudhari, learned counsel waives notice for said Respondent.

2. The Appeal presented by the Petitioner to the Employees' Provident Fund Appellate Tribunal, New Delhi being A.T.A. No.275 (9) 2012 has been decided on 10th June 2014. The Appellate Tribunal has set aside the order passed by the Regional Provident Fund Commissioner (II), Aurangabad issued under Section 7A of the Employees' Provident Fund & Misc. Provisions Act, 1952 (for short "Act of 1952") and remitted the matter back for reconsideration of the Regional Provident Fund Commissioner.

3. It has been informed that the proceedings have been transferred to the Regional Provident Fund Commissioner, Nagpur and the decision is awaited.

4. The Petitioner contends that an application has been tendered for refund of the amount deposited by the Petitioner during the intervening period towards the provident fund contribution and the same has not been dealt with by the Commissioner.

5. In the facts and circumstances of this case, this Petition can be disposed of by directing the Regional Provident Fund Commissioner, Nagpur to take decision in the proceedings under Section 7A of the Act of 1952 in pursuance to the order of remand passed by the Appellate Tribunal on 10th June 2014, as expeditiously as possible and preferably within the period of six months from today and it is accordingly directed.

6. The Authority dealing with the proceedings of 7A of the Act of 1952, shall consider the application presented by the

Petitioner herein for refund of the amount while rendering final decision in the matter.

7. With the directions as above, the Writ Petition is disposed of.

[A.I.S. CHEEMA, J.]

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[R.M. BORDE, J.]