

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9285 OF 2015

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION
VERSUS
REGIONAL PROVIDENT FUND COMMISSONER & ANR

...
Advocate for Petitioner : Dr. Smt. Kalpalata Bharaswadkar-Patil
Advocate for Respondent 1 : Shri K.B.Choudhary
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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 09, 2015
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PER COURT :-

1. I have heard Dr. Smt. Patil for the petitioner and Shri Choudhary for respondent No.1. Leave to delete respondent No.2 is granted. Deletion be carried out forthwith.

2. This petition has been entertained, despite the remedy available under Section 7-I in the form of preferring an Appeal to the National Appellate Tribunal at New Delhi, under the EPF and MP Act, 1952. Grounds made out are, firstly, that despite the directions of this Court (learned Division Bench) in Writ Petition No.5399 of 2009 by judgment dated 20.11.2009, a proper hearing was not conducted and secondly, for recovery of money from CIDCO, Nanded the Bank Accounts of CIDCO, Aurangabad have been frozen by the respondent - PF authorities. Said statement has been made in paragraph No.14 of the petition.

3. Dr. Smt. Patil, therefore, submits that the entire functioning of CIDCO, Aurangabad has come to a standstill and all financial transactions have been prevented due to the impugned order dated 5.9.2015.

4. During the course of the submissions, the petitioner has expressed its willingness to deposit an amount of Rs.25,00,000/- (Rs. Twenty Five Lakhs only/-) with the respondent PF authorities at Aurangabad, besides the amount of Rs.43,07,868/-, which has already been deposited by the petitioner - CIDCO Nanded here before

5. In the light of the same, the petitioner prays for issuance of directions to the respondent to hear the petitioner as per the directions issued by this Court on 20.11.2009 in paragraphs 6 and 7 of the said order passed in Writ Petition No.5399 of 2011.

6. Shri Choudhary, learned Advocate submits that out of the residual / PF dues of Rs.49,00,000/-, if the petitioner deposits the amount of Rs.25,00,000/-, the respondent / authorities would afford further opportunity of hearing, provided the petitioner does not indulge in delaying tactics.

7. Shri Choudhary makes a serious grievance about the conduct of the petitioner and points out from the record that on most of the occasions in the hearing under Section 7A, the petitioner has frequently taken adjournments and delayed the matter. He, therefore, prays for a time

frame with directions to the petitioner not to seek adjournments on unreasonable and trivial grounds. The petitioner is agreeable.

8. In the light of the above, this petition is disposed off with the following directions:-

(A) The respondent authorities shall recall the order of attaching the Bank Account of the petitioner in State Bank of Hyderabad, Dhanegaon Branch, Nanded, bearing Account No. 52069895075 and the Bank Account of CIDCO Aurangabad in Bank of Maharashtra, N-3 CIDCO Branch bearing Account Nos. 20040200322, 20040201473 and 20040202841 forthwith.

(B) The petitioner shall ensure that a Banker's Cheque from its account for an amount of Rs.25,00,000/- shall be deposited with the respondent / PF authorities at Aurangabad on/or before 9.10.2015, failing which this order shall stand recalled and the order passed by the respondent dated 1.7.2015 and 5.9.2015, attaching the accounts of the petitioner and CIDCO, Aurangabad shall stand restored.

(C) The petitioner shall appear before the respondent / authorities on 16.10.2015 and further continue to appear in the proceedings before the authorities on the dates on which, the competent authority would post the matter for hearing.

(D) The petitioner shall refrain from seeking adjournments on unreasonable and trivial grounds.

(E) The respondent / authorities shall also hear the Contractor, workers or their representatives and decide the Section 7A proceedings by passing a reasoned order in the light of the directions

issued by this Court in paragraphs 6 and 7 of the order dated 20.11.2009 (supra).

(F) The respondent shall endeavour to conclude the proceedings as expeditiously as possible and preferably on/or before 2.4.2016.

9. Shri Choudhary, learned Advocate to communicate this order to the respondent / authorities for urgent compliance.

(RAVINDRA V. GHUGE, J.)

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