

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9859 OF 2015

AGASTI SAHAKARI SAKHAR KARKHANA
LTD., AGASTINAGAR,

PETITIONER

VERSUS

THE UNION OF INDIA
AND OTHERS

RESPONDENTS

Mr.V.P.Golewar, Advocate for the petitioner.
Mr.Bhushan Kulkarni, Standing Counsel for Mr.K.B.Chaudhari,
Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 30/09/2015

PER COURT :

1. Learned Advocate Mr.K.B.Chaudhary, appearing on behalf of respondent No.2 submits that though the impugned order dated 10/09/2015 may appear to be a separate order, the said order was in fact passed in common proceedings, by conducting a common hearing and for an identical period 01/04/1996 till 05/05/2015.

2. He submits that the order dated 10/09/2015 in Proceeding No.5501 is u/s 14(B) which the petitioner has already assailed before the Provident Fund Appellate Tribunal at New Delhi. Since the impugned order of the same date u/s 7(Q) has a direct nexus with

the order dated 10/09/2015 passed u/s 14(B), the petitioner can very well prefer an appeal before the Provident Fund Appellate Tribunal, which would assist the Tribunal in considering the entire controversy.

3. Mr.Kulkarni, learned Advocate for respondent No.1 submits that an appropriate order be passed.

4. The petitioner submits that the issue with regard to the recovery under the P.F.Act for the year 2012-13 are subjudice before the Appellate Tribunal. The recovery for the said period is a part of the impugned order as well as the order dated 10/09/2015 u/s 14(B) which is also subjudice.

5. Nevertheless, the learned Advocate submits on instructions from the petitioner that he would prefer an appeal before the P.F. Appellate Tribunal, New Delhi for challenging the impugned order dated 10/09/2015 passed u/s 7(Q). The petitioner, therefore, prays for withdrawal of this petition.

6. Learned Advocates for the respondents do not oppose.

7. As such, this petition is disposed of, as having been withdrawn.

In the event the petitioner prefers an appeal before the Appellate Tribunal in the light of the statement of respondent No.2, as recorded above, the time spent before this Court shall be a good ground for condonation of delay, if any.

8. Similarly, the petitioner can point out to the Tribunal as regards the overlapping of the impugned order with the earlier order for recovery with reference to the years 2012 and 2013. Needless to state, all the contentions in this regard, in so far as the PF Authorities are concerned, are kept open.

9. Since the petitioner states that an appeal will be preferred within 2 (two) weeks from today, the respondents/ authorities shall not resort to coercive steps for a period of 2 weeks so as to enable the petitioner to lodge the appeal.

(RAVINDRA V. GHUGE, J.)