

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1124 OF 2015
WITH CA/1077/2015 IN WP/1124/2015M/S. YOGESHWARI GINNING AND PRESSING FACTORY, BEED
VERSUS
E.P.F. ORGANIZATION SRO, AURANGABAD...
Advocate for Petitioners : Mr. Joshi Hrishikesh A
Advocate for Respondents: Mr. Chaudhari,
...**CORAM : S. V. GANGAPURWALA &
V. L. ACHLIYA , JJ.****DATE : 30th January, 2015****PER COURT :**

1. Issue notice to the respondents. Mr. Chaudhari, the learned counsel waives notice for the respondents.
2. Mr. Joshi, the learned counsel for the petitioner submits that the proceedings under section 7B of the E.P.F. & M.P. Act, 1952 filed by the present petitioner is dismissed on the ground that the same is not in proper format. The said proceedings are not considered on merits nor the deficiency in the said review application was pointed out so as to offer an opportunity to the applicant/petitioner to correct the same. According to the petitioner, the present petition is filed only for limited prayer that the application under section 7B be directed to be considered on merits.
3. The learned counsel for the respondents submits that there has to be some ground for review. There is no ground for review. Even the application was not in proper format and the same is rightly dismissed.
4. We have heard considered the submissions canvassed by the learned counsel for the respective parties.
5. We would not have entertained the present petition in normal

course as remedy is available to the petitioner before the appellate authorities. However, as the impugned order is based on technical ground that the review application is not in proper format, we are inclined to entertain the present petition. The respondents ought to have given opportunity to the applicant to correct the deficiency if it was there in filing the review application. In the light of that the impugned order is quashed and set aside. The applicant may correct deficiency in the format if any and thereafter, the respondents shall decide the proceedings under Section 7B of the Act on its own merits in accordance with law, after hearing the parties.

6. Writ petition is accordingly disposed of with the aforesaid directions. No costs.

7. In view of disposal of writ petition, civil application also stands disposed of.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC