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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13152 OF 2015
IN WP/8828/2015**

**M/S GANGAPUR SAHAKARI SAKHAR KARKHANA LIMITED
VERSUS
THE REGIONAL PROVIDENT FUND COMMISSIONER AND ANOTHERS**

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Advocate for Applicant : Shri Suryawanshi Kamlakar J.

Advocate for Respondent No.1 : Shri K.B.Chaudhari.

Advocate for Respondent No.2 : Shri Bhushan Kulkarni.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th December, 2015

Per Court:

1 The Applicant Sugar Factory prays for extension of two months' time to deposit an amount of Rs.1 Crore as was ordered by this Court vide the order dated 15.09.2015. Extension of protection is also prayed for.

2 Shri Chaudhari, learned Advocate appearing on behalf of Non Applicant No.1, has opposed this application. He points out paragraph 23 of the order dated 15.09.2015 and submits that it is a conditional order. The same has not been complied with and therefore, the protection

granted to the Applicant stands vacated automatically.

3 Shri Chaudhari further points out the order dated 14.10.2015 passed by this Court in this Civil Application. He indicates from paragraph 3 that interim protection stood expired on 13.10.2015.

4 Shri Suryawanshi, learned Advocate for the Applicant, has strenuously canvassed the grounds set out in the application.

5 The direction of this Court in paragraphs 22 and 23 of the order dated 15.09.2015 cannot be ignored. The said directions read as under:-

“22 *The impugned order dated 17.08.2015 is modified only to the extent of directing the Petitioner to deposit an amount of Rs.1 crore (Rupees One Crore) as compliance of Section 7-O of the PF Act. The impugned order only to the extent of the direction to deposit 50% of the amount is, accordingly, modified. The protection granted by the Appellate Tribunal shall continue to protect the Petitioner till Appeal No.ATA/857(9)2015 is decided.*

23 *Needless to state, in the event the amount of Rs.1 crore is not deposited within FOUR WEEKS from today before the Appellate Tribunal, the protection granted by the Appellate Tribunal by its order dated 17.08.2015 and continued by this Court, shall stand automatically vacated.”*

6 This application has been filed on 09.10.2015. In paragraph 3 of the order dated 14.10.2015 passed on this application, this Court had noted as under:-

“2. *Mr.Choudhary, learned Advocate appearing on behalf of the P.F. Department has vehemently opposed the said request on the ground that though Section 7(O) mandates deposit of 75% of the amount assessed as outstanding P.F. dues, this Court has already shown leniency to the applicant/ petitioner by partly allowing the petition and reducing the deposit to 25%.*”

7 Considering the above, I do not find that this application deserves to be entertained. Despite modifying the order of the National Appellate Tribunal and reducing the quantum of money to be deposited, the Applicant still has not deposited even a single rupee.

8 In the light of the above, this Civil Application is rejected.

(RAVINDRA V. GHUGE, J.)