

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 REVIEW APPLICATION (CIVIL) NO. 22 OF 2013
IN LPA/24/2011

M/S RAYMOND CLOTH MERCHANT

VERSUS

THE ASSTT PROVIDENT FUND COMMISSIONR (SRO) AURANGABAD

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Advocate for Applicant : Mr. Sharma R.M.

Mr. KB Choudhari, Adv for Respondent.

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CORAM : R. M. BORDE & P.R. BORA, JJ.

Dated: July 30, 2015

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PER COURT :-

1) Heard. The petitioner is questioning the order dated 22.11.2012 passed by the Division Bench in Letters Patent Appeal No.24/2011.

2) The appellant/firm has been brought under the coverage in exercise of powers under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The basic contention of the petitioner before the learned Single Judge was that the relevant record and the representation made by the petitioner was not properly considered by the appellate authority. The learned Single Judge confirmed the finding of fact recorded by the appellate authority holding that there are 22 employees employed by the appellant/firm and as such, the coverage under the provisions of the Act of 1952, is available for establishment. The learned Single Judge refused to interfere with the findings of fact arrived at by the appellate authority and dismissed the writ petition.

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3) The order of learned Single Judge was the subject matter of challenge in the LPA, which has also been dismissed by the Division Bench.

4) Counsel appearing for the appellant, for the first time, raised the grievances in the instant Review Petition that the depositions recorded during continuation of inquiry, were not considered by the appellate authority, which has resulted into mis-carriage of justice. An objection, which has now been pressed into service in the review application, does not seem to have been raised either before the learned Single Judge or Division Bench dealing with the LPA. Even otherwise, the questions of fact raised by the petitioner need not be gone into in exercise of powers under review jurisdiction. The Review application is devoid of substance and the same stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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