

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 7645 of 2015

M/s Shobha Caterers

.. Petitioner

Vs.

The Assistant Provident Fund
Commissioner, Employees
Provident Fund Organisation.

.. Respondent

Mr.K.S.Bapat i/b Mr.Avinash H.Fatangare, for the Petitioner.
Ms.Sangeeta Yadav i/by Mr.Suresh Kumar, for the Respondent.

***CORAM: N.M.Jamdar, J.
Monday 16 November, 2015***

PC. :

Leave to amend, to correct prayer clause (a) as the learned counsel counsel for the Petitioner states that there are typographical errors, amendment to be carried out forthwith.

2. The Petitioner challenges the order passed by the Provident Fund Commissioner Pune, on 24 July 2014 under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and also the order passed on 24 October 2014 in Review application under Section 7-B of the Act.

3. As regards the order passed under Section 7-A of the Act, the Act provides for a remedy of appeal. It is informed that the

Petitioner did not file the statutory appeal in time and the same is time barred. It is also informed that the Respondent authority has already recovered the amount determined under Section 7-A of the Act. As regards the order passed under Section 7-B of the Act, the same was rejected by the authorities on the ground that it was beyond limitation.

4. The learned counsel for the Petitioner sought to urge various arguments on the merits of the claim contending that the Respondent authorities have determined the claim considering certain excluded employees. He submitted that this Court should consider the merits of the matter since the entire amount is already recovered. It is not possible to do so. The act provides for remedy of appeal and review with conditions as to period of limitation. The Petitioner has not availed all these remedies in time without any justification. The claim of the Petitioner therefore, cannot be entertained and the Writ petition accordingly requires to be rejected.

5. As regards the proceedings initiated under Section 14B of the Act, they will be determined as per law and Petitioner will be entitled to raise all such defence, as may be available in law. Writ Petition is **rejected**. No costs.

(N.M.Jamdar, J.)