

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 9 OF 2015
IN
WRIT PETITION NO. 8262 OF 2013**

M/s Yashwant Sahakari Sakhar
Karkhana Ltd

Petitioner

Vs

The Assistant Provident Fund
commissioner ...

.. Respondent

Mr. Harshad Mirashi, Advocate for Petitioner.
Mr. Suresh Kumar, Advocate for Respondent.

CORAM : R.G.KETKAR,J.
DATE : 06/02/2015

PC:

1. Heard Mr.Harshad Mirashi, learned counsel for the petitioner and Mr.Suresh Kumar, learned counsel for the respondent.
2. Leave to amend so as to add prayer for extension of time as stipulated in the order dated 21.7.2014 in Writ Petition No.8262 of 2013 is granted. Amendment shall be carried out forthwith.
3. By this petition, the petitioner has sought review of the order dated 21.7.2014 passed by this Court in Review Petition No.8262 of 2013. While dismissing the petition, this Court recorded that the petitioner had filed Appeal No.440 of 2012 before the Employees Provident Fund Appellate Tribunal. On 11.3.2013, the Appeal filed by the petitioner was withdrawn. This

Court, therefore, held that the order passed under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, "Act") has become final. It was also clarified that it will be open to the petitioner to pay the amount determined under section 7A of the Act within a period of eight weeks. Till such amount is paid, attachment shall continue. It was also clarified that it will be open to the petitioner to make request to the Tribunal for taking up Review Application within a period of eight weeks.

4. Mr. Mirashi states that within four weeks from today, the petitioner will take out appropriate application for recalling the order of withdrawal of the Appeal and within two weeks thereafter will press for appropriate interim relief. He assures that he will not seek further time from this Court. He submitted that if such liberty is granted he will not press this petition. In view thereof, the Petition is disposed of as not pressed in the following terms:

- (i) Time stipulated in paragraph 7 of the order dated 21.7.2014 for making payment of the amount determined under section 7A of the Act, is extended further by a period of eight weeks from today;
- (ii) The petitioner shall take out appropriate application for recalling the order of withdrawal of the Appeal, if not already filed and within a further period of two weeks therefrom, will move

the Tribunal for obtaining interim relief. The time stipulated in that regard is also extended accordingly.

(iii) In case the petitioner does not obtain suitable interim order, the respondent will be at liberty to proceed in the matter in accordance with law. In the meantime, till such time the amount determined under section 7A of the Act is paid, attachment shall continue.

(R.G.KETKAR, J.)