

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2889 OF 2014
IN
WRIT PETITION NO.9036 OF 2004

The Manganga Sahakari Sakhar Karkhana Ltd. .. Applicant

Vs

The Employees Provident Fund Organization
and Others. .. Respondents

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Shri Uday P. Warunjikar for the Applicant.

Shri D.A. Dube and Shri N.R. Prajapati for the Respondent No.1.

Ms. Sangeeta Yadav i/by Shri Suresh Kumar for the Respondent Nos.2
and 3.

Shri Deepak Lad i/by Shri Umesh R. Mankapure for the Respondent
No.4.

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CORAM : A.S. OKA &
K.R.SHRIRAM, JJ
DATED : 28TH AUGUST 2015

PC.

. Leave to amend. Amendment to be carried out within a
period of two weeks from today.

2. This is a Civil Application made by the Writ Petitioner in a
disposed of Writ Petition. The Writ Petition was disposed of by the
judgment and order dated 7th April 2010 along with other connected
matters. Our attention is invited to Paragraph 19 of the said judgment
and order which reads thus:-

“19. Needless to clarify that if no prohibitory orders
are passed by the Higher Court, the Provident Fund
Authorities are at liberty to withdraw the sum payable

towards their dues and as certified under the Recovery Certificate and Attachment orders in that behalf. If proof of the amount due and payable as per these documents is produced, the Registrar (Judicial-I) to permit withdrawal of the sums by the Provident Fund Authorities and he shall issue consequential directions after due notice to the Advocate for all parties. Further, the balance sum shall be retained by him till all parties to the proceedings other than the Provident Fund Authorities produce proof of their entitlement and dues. If none of the parties come forward and produce such proof, then, the Registrar (Judicial-I) to seek appropriate directions from the Court and thereafter, deal with the balance sum at his disposal.”

3. On the basis of the said order, the First to Third Respondents filed a praecipe dated 6th November 2012 for withdrawal of the amount of Rs.1,40,00,000/- deposited by the Petitioner in Writ Petition No.9036 of 2004 along with an advance stamp receipt. Accordingly, the amount has been paid over to the Regional Provident Fund Commissioner of Kolhapur. Now the question remains about the interest accrued on the amount of Rs.1,40,00,000/-. The report of the Registry is that the interest amount of Rs.95,85,953/- was invested in a Fixed Deposit. The Fixed Deposit is due for maturity on 22nd January 2016 and the maturity amount is Rs.1,24,58,644/-. On the last date, the learned counsel representing the Fourth Respondent made a statement that the Fourth Respondent has no claim over the pending amount.

4. In view of what is stated in Paragraph 19 of the judgment and order in the main Writ Petition, we dispose of the Civil Application by passing the following order:-

ORDER :

- (a) On failure of the First to Third Respondents to produce the proof before the Registrar (Judicial-I) of this Court regarding their entitlement to the amount of interest within a period of one month from today, the amount of interest along with further interest accrued thereon shall be paid over to the Applicant;
- (b) In the event, the documents are produced by the First to Third Respondents within a period of one month from today before the Registrar (Judicial-I) for proving the entitlement to the aforesaid interest amount, after hearing the Applicant and the said Respondents, the Registrar (Judicial-I) shall pass an appropriate order regarding withdrawal of the amount. If the Registrar (Judicial-I) is of the view that the claim is not established by the First to Third Respondents, he shall permit the Applicant to withdraw the said amount together with interest accrued thereon;
- (c) The Application is accordingly disposed of.

(K.R. SHRIRAM, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed Judgment/Order.