

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL WRIT PETITION NO.2864 OF 2014

Central Board of Trustees(Central Board)EPF
and Anr. ...Petitioners.
V/s.

M/s.Indian Oil Corporation Ltd. ...Respondent.

Ms.S.V. Bharucha, Advocate for the petitioners.
Mr. Lancy D'Souza a/w Mr. V.M.Parkar, Advocate for the
respondent.

CORAM : Smt. R. P. SondurBaldota, J.
DATE : 7th July, 2015.

P.C.:

1. This petition challenges the order dated 10th September, 2013 passed by Employees Provident Fund Appellate Tribunal setting aside the order of the Assistant Provident Fund Commissioner on the ground that he has imposed damages at the maximum rate without giving proper weightage to the submissions made and without giving finding that the respondent had willfully delayed the remittance of provident fund dues with malice or with intention to cause benefit to its establishment.

2. The order records that there is default on the part of the respondent in making the remittances of provident fund dues. In that case the Tribunal after setting aside the order of the Assistant Provident Fund Commissioner ought to have remanded the matter for fresh

hearing as regards the damages to be imposed. Mr. Lancy D' Souza appearing for the respondent fairly concedes to this position. Therefore the petition can be disposed off by modifying the impugned order. The petition is partly allowed. The order impugned in the petition is modified. The proceedings u/s.14B of the Employees Provident Fund and Miscellaneous Provisions Act 1952 against the respondent are remanded to the Assistant Provident Fund Commissioner for fresh hearing and disposal.

(SMT. R. P. SONDURBALDOTA, J.)