

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.307 of 2004
The Maharashtra State Co-op. Bank Ltd. Vs. The Liquidator, The Jijamata Sahakari
Sakhar Karkhana Ltd. and others.

Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Ms. P.D. Rane, AGP for respondent no.1.
Ms. Tanna, Advocate for respondent no.2.

CORAM : B.R. Gavai &
Indira K.Jain, JJ.
DATE : 8th June, 2015.

In-spite of being duly served with notice for engagement of counsel, neither the petitioner appeared himself nor appeared through the counsel.

The petitioner has approached this Court being aggrieved by the attachment, seizure and sale of all the sugar bags by respondent no.2 to recover the provident fund dues under the provisions of Section 8-B of the Provident Funds Act.

The issue is no more *res integra*. The Apex Court in the case of **Maharashtra State Co-operative Bank Limited Vs. Assistant Provident Fund Commissioner and others** reported in 2009 (10) SCC 123 has held that the Provident Fund will have a preferential right over all other dues.

In that view of the matter, nothing survives in the petition. The petition is devoid of merits. As such the petition is dismissed. Needless to say that the interim

orders shall stand vacated.

The petition is disposed of.

In view of disposal of the petition, Civil Application (W)
No.3819/2014 is disposed of.

JUDGE

JUDGE

Ambulkar