

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.26 OF 2015

DATED:4.2.2015

Between:

M/s. Charminar Concrete Products Pvt. Ltd.,
Rep. by its Managing Director P. Subba Rao
Presently O/o. H.No.16-2-836/3, Madhava Nagar
Saidabad
Hyderabad-59
and another

... Appellants

And
The Commissioner,
Employees Provident Fund (Bhavishyanidi) Office
Barkatpura
Hyderabad
and another

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT APPEAL NO.26 OF 2015

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JUDGMENT: (per the Hon'ble Sri Justice Sanjay Kumar)

The petitioners in Writ Petition No.36959 of 2014, having succeeded in part before the learned Single Judge, are aggrieved by the direction that they should deposit an amount of Rs.12,00,000/- (Rupees twelve lakhs only) as a condition precedent for revival and fresh consideration of their review petition pending before the Assistant Commissioner of Provident Fund (Compliance-II, Hyderabad, the second respondent.

2. Perusal of the order under appeal reflects that notice was served upon the first petitioner company's Directors, but the claim is that owing to internal disputes amongst the Directors, there was no representation before the authority pursuant thereto. It is also an admitted fact that the review petition filed by the appellants – writ petitioners was beyond time. Despite the aforestated facts, the learned Judge was of the opinion that a reasonable opportunity should be given to the petitioners to present their case before the authorities. However, taking the totality of the circumstances into account, the learned Judge was of the opinion that the petitioners should deposit a sum of Rs.12,00,000/- (Rupees twelve lakhs only) as a condition precedent for their review petition to be considered afresh on merits. It may be noticed that the total amount determined as due and payable by the petitioners is over Rs.43,00,000/- (Rupees forty three lakhs

only). In that view of the matter, we are of the opinion that the discretion exercised by the learned single Judge in directing deposit of a mere Rs.12,00,000/- (Rupees twelve lakhs only) as a condition precedent to enable the petitioners to have an opportunity for review of the matter does not warrant interference in this appeal. We therefore decline to do so and the appeal is accordingly dismissed.

3. The learned counsel for the appellants would however submit that the time allotted by the learned single Judge for deposit of the amount was meager and the same has also expired.

4. In that view of the matter, we grant four weeks time from the date of receipt of a copy of this order to make the deposit of Rs.12,00,000/- (Rupees twelve lakhs only) as per the direction of the learned single Judge. In the event such deposit is made, the directions of the learned single Judge as to the disposal of the review petition shall remain operative and the respondents shall proceed with the matter in accordance with law.

5. Subject to the above observations, the writ appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

4.2.2015

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