

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 88 OF 2016
IN
WRIT PETITION NO. 4768 OF 2016**

M/s Dwarkadas Mantri Nagari Sahkari
Bank Ltd., Through its C. E. O. .. Applicant

Versus

The Assistant Provident Fund
Commissioner Aurangabad .. Respondent

Shri Murlidhar Karad, Advocate h/f Shri S. H. Navandar,
Advocate for the Applicant.

Shri K. B. Choudhari, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 05TH MAY, 2016.

PER COURT :

. The learned counsel for the applicant submits that, this Court while passing order dated 27th April, 2016 had observed that, even otherwise 75% of the amount is required to be deposited. The said provision is applicable, if, appeal is filed against an order passed U/Sec. 7(A) of the Employees Provident Fund and Miscellaneous Provisions Act (for the sake of brevity hereinafter referred as to "Said Act") and there is no provision of predeposit, if, the appeal is against an order U/Sec. 7(Q) of the

said Act. According to the learned counsel, even the challenge to order U/Sec. 14(B) of the said Act succeeds, then the applicant will not be liable to pay amount U/Sec. 7(Q) of the said Act also.

2. We have considered the submissions. The total liability as against the petitioner is more than Rs. 27,00,000/-. As per the impugned order, the applicant was directed to deposit only an amount of Rs. 6,41,627/- and for the rest of the amount stay is granted. The order depositing the amount is discretionary order. The apprehension of the applicant is misplaced. In case the applicant succeeds in appeal, then the applicant would be entitled to the amount which it has deposited pursuant to the order passed by this Court.

3. Considering the above, no case is made out for the review of the order. The review application is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]