

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

WRIT PETITION NO. 10478 OF 2016

Akole Taluka Education Society's  
Industrial Training Institute, Akole,  
Tq.Akole, Dist.Ahmednagar.  
Through it's Principal  
Shri Vidyachandra Rajaram Satpute,  
Age : 51 years, Occupation : Service,  
R/o Akole, Tq.Akole, Dist.Ahmednagar.

...PETITIONER

-VERSUS-

Asstt.Provident Fund Commissioner,  
Sub Regional Office (Damges),  
Employees Provident Fund Organization,  
P-11, Bhavishya Nidhi Bhavan,  
MIDC Area, Satpur, Nashik.

...RESPONDENT

...

Advocate for Petitioner : Shri V.P.Golewar h/f Shri Joshi Arvind Ramakant.  
Advocate for Respondent : Shri K.B.Chaudhari.

...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 18<sup>th</sup> October, 2016**

Oral Judgment :

1                Rule. Rule made returnable forthwith and heard finally by the  
consent of the parties.

2                The Petitioner is aggrieved by the order dated 02.09.2016 by

which the appeal preferred by the Petitioner under the order of this Court dated 27.06.2016 in Writ Petition No.1684/2016, has been held to be time barred since the appeal was filed beyond the stipulated period granted by this Court.

3           I have considered the submissions of Shri Golewar, learned Advocate on behalf of the Petitioner and Shri Chaudhari, learned Advocate on behalf of the Respondent.

4           Shri Chaudhari has vehemently opposed this petition and submits that the Petitioner was granted four weeks time to file the appeal by order dated 27.06.2016 and since the Petitioner failed in doing so, the Appellate Tribunal has rightly concluded that the appeal is time barred and it has no jurisdiction to condone the delay.

5           I find from the order dated 27.06.2016 passed by this Court that the Petitioner was granted the liberty to prefer an appeal considering the statement of the Respondent/Department that the order was passed in common proceedings by holding a common hearing and for the same period. This Court in paragraph 5 of the order had granted four weeks time to the Petitioner. It appears that the appeal was delayed by 35 days.

6           Considering the above, this Writ Petition is allowed. The delay of 35 days caused in filing of the appeal is condoned. The Provident Fund Appellate Tribunal, New Delhi is directed to register the appeal filed by the Petitioner.

7           The Appellate Tribunal shall note that since a common hearing in common proceedings for the same period 01.04.1996 to 30.09.2015 has taken place, it would be beneficial for the parties that the appeals preferred by the Petitioner should be heard together.

8           In order to avoid wastage of time, the learned Advocates for the respective sides submit that the parties would appear before the Appellate Tribunal on 21.11.2016 at 11:00 am and shall abide by the next dates of hearing as may be granted by the Appellate Tribunal. As such, no formal notice is required to be issued by the Appellate Tribunal.

9           Rule is made absolute in the above terms.