

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1549 OF 2015**

M/s. Siddhivinayak Kohinoor ..Petitioner
Vs.
The Assistant Provident Fund Commissioner & Anr ..Respondents

**WITH
WRIT PETITION NO.2698 OF 2016**

M/s. Siddhivinayak Kohinoor Ventures ..Petitioner
Vs.
The Assistant Provident Fund Commissioner & Anr ..Respondents

**WITH
WRIT PETITION NO.2699 OF 2016**

M/s. Siddhivinayak Namrata Developers ..Petitioner
Vs.
The Assistant Provident Fund Commissioner & Anr ..Respondents

**WITH
WRIT PETITION NO.2700 OF 2016**

M/s. Siddhivinayak Kohinoor Associates ..Petitioner
Vs.
The Assistant Provident Fund Commissioner & Anr ..Respondents

**WITH
WRIT PETITION NO.8664 OF 2015**

M/s. Siddhivinayak Rameshwar Developers ..Petitioner
Vs.
The Assistant Provident Fund Commissioner & Anr ..Respondents

Mr. Sitesh Sharma a/w Mr. Vijay Upadhyay for the Petitioners
Mr. Suresh Kumar for the Respondent No.1

CORAM : R. M. SAVANT, J.
DATE : 30th SEPTEMBER, 2016

P.C.

1 The above Petitions take exception to the order dated 10-10-2014 passed by the Assistant Provident Fund Commissioner (APFC) Regional Office Pune, by which order the Review Applications filed by each of the Petitioners above named under Section 7B of the Employees Provident Fund Misc Provisions Act 1952, came to be rejected. The said Review Applications were filed by the Petitioners against the order dated 30-6-2014 passed under Section 2A of the said Act by APFC Pune whilst adjudicating applicability of the Act to the Petitioners under Section 7A.

2 The principal ground on which the order dated 10-10-2014 passed by the APFC Pune is challenged, is that the said order has been passed on 10-10-2014 when intimation was received by the Petitioners of the hearing at 1.30 p.m. in the afternoon when hearing was to take place on the said day. The ground sought to be made out by the Petitioners is lack of proper opportunity being given to the Petitioners in the matter of adjudication of the said Review Applications and thereby violation of principles of natural justice. The averment to the said effect finds place in paragraph 13.10 of the above Petition. The Learned Counsel appearing for the Respondent No.1 submits that though notice was short notwithstanding the same the Petitioners were represented. The question that arises that whether proper opportunity has been given to the Petitioners. Having regard to the short notice, the contention

urged on behalf of the Petitioners would have to be accepted that on account of the said short notice the Petitioners could not represent themselves properly in the said Review proceedings.

3 In my view, the interest of justice would be served if the impugned order dated 10-10-2014 is quashed and set aside and the Review Applications are directed to be heard denovo by the APFC Pune. The impugned orders are accordingly quashed and set aside. The APFC Pune or the concerned Authority is directed to rehear the Review Applications by giving proper opportunity to the Petitioners. The Petitioners to appear before the APFC Pune or the concerned Authority on 14-10-2016 at 3.00 p.m. The APFC Pune or the concerned Authority may thereafter hear the said Review Applications as per his / its convenience if not concluded on 14-10-2016.

4 With the aforesaid directions the Writ Petitions are disposed of.

[R.M.SAVANT, J]