

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.918 OF 2016
IN
WRIT PETITION NO.10044 OF 2015**

M/s Hotel Leelaventure Ltd. ... Applicant

In the matter between :

The Central Board of Trustees ... Petitioner

Versus

M/s Hotel Leelaventure Ltd. ... Respondent

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Mr. C.R. Naidu a/w Mr. Yadav for the Applicant.

Ms. Sangita Yadav i/b Suresh Kumar for the Petitioner.

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CORAM : S.C.GUPTE, J.

DATE : 6 APRIL 2016.

P.C. :

. This Civil Application seeks a declaration that pending the petition filed by the Respondent to Civil Application (Original Petitioner), the recovery letter dated 17 March 2016 issued by the Regional Provident Fund Commissioner on the basis of the impugned order dated 17 September 2014 be stayed. If the Applicant is aggrieved by the recovery letter, it must file a challenge to the recovery letter. The Applicant, who is a Respondent in the Petition cannot apply for either stay of recovery or for an order of declaration of invalidity in respect of the recovery letter, as an interim order in the petition.

2 Learned Counsel appearing for the Applicant proposes to file an appropriate petition challenging the recovery letter. In the meantime, the Regional Provident Fund Commissioner is directed not to take coercive steps upto 28 April 2016.

3 Civil Application is disposed of accordingly.

4 Writ Petition to come up for admission on 28 April 2016.

(S.C.GUPTE, J.)