

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.22298 OF 2016**

M/s. Tricom India Limited

..Petitioner

Vs.

Assistant Provident Fund Commissioner & Anr.

..Respondents

Mr. A. P. Wachasundar for the Petitioner

Mr. Suresh Kumar for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 5th OCTOBER, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 11-5-2016 passed by the Assistant Provident Fund Commissioner, Circle-4, Thane, by which order, the application for payment of the amount adjudicated under Section 7A of the Employment Provident Fund and Misc Provisions Act, 1952, came to be rejected. The said rejection is on the ground that the Petitioner does not fulfill the criteria for grant of the installment facility. The above Petition had come up for admission on 2-9-2016, on the said day to see the bonafides of the Petitioner an order came to be passed directing the Petitioner to pay an amount of Rs.5,00,000/- latest by 16-9-2016 and further an amount of Rs.2,00,000/- within two weeks thereafter. The Petitioner in terms of the said order dated 2-9-2016 has deposited the said amounts with the APFC Circle 4, Thane. The said fact is accepted by the Learned Counsel Mr. Suresh Kumar appearing on behalf of the Provident Fund

Authorities. Hence in so far as the amount due under Section 7A is concerned, out of the amount of Rs.29,63,805/-, the Petitioner has paid an amount of Rs.21,75,447/- and the balance remaining is therefore Rs.7,75,447/- This is as per the calculation made by the Learned Counsel for the Petitioner. Hence out of the total amount due under Section 7A, a substantial amount equivalent to amount, 75% has already been paid by the Petitioner. The Learned Counsel for the Petitioner therefore seeks time to pay the balance which is remaining to be paid.

2 In my view, since the Petitioner has already paid a substantial amount, it would be just and proper to issue the following directions:

(i) The Learned Counsel for the Petitioner undertakes to pay the balance amount remaining Rs.7,75,447/- latest by 24-3-2017. The Petitioner would be liable to pay interest under Section 7Q on all the delayed remittance, which would be intimated to the Petitioner by the Respondent. The said interest would also be paid by 24-3-2017.

(ii) In the event, the balance amount or the interest is not paid, the authority would then be free to proceed against the Petitioner for recovery of the amount in accordance with law.

(iii) Till 24-3-2017, the interim protection granted vide order dated 2-9-2016 directing the Provident Fund Authorities not to take coercive steps against the Petitioner for the period March 2009 to February 2012 in terms of the order dated 13-4-2014 passed under Section 7A of the said Act, would continue to operate.

3 With the aforesaid directions, the Writ Petition is disposed of. The Petition to be listed on 3-4-2017 for compliance.

[R.M.SAVANT, J]