

Sequeira

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

WRIT PETITION NO. 9079 OF 2013

M/s.Jaisingh Wire Pvt. Ltd. .. Petitioner
Vs.
Regional Provident Fund Commissioner .. Respondent

Mr.R.V.Paranjape, for the Petitioner.
Mr.Suresh Kumar, for the Respondent.

***CORAM: N.M. JAMDAR, J.
Wednesday, 03 February 2016.***

PC. :

The petition is filed seeking a direction to the Respondent to refund the amount of ₹148,81,141 recovered from the Petitioner in pursuance to an inquiry under the Employees Provident Funds and Miscellaneous Provisions Act, 1952. It is not necessary to entertain the petition on merits as the Petitioner has approached the Appellate Tribunal, challenging the order passed under Section 7-A of the Act. In the appeal the liability of the Petitioner will be determined. If it is found that the amount recovered by the authorities is in excess of the liability of the Petitioner, the Tribunal will no doubt pass an appropriate order as regards such excess amount. Thus a remedy to a statutory Appellate Authority being available to the Petitioner, it is not necessary to consider the controversy in this petition leaving it open to the Petitioner to make this request before the Appellate Authority. Considering the

fact that substantial amount has been recovered from the Petitioner, the Appellate Authority will sympathetically consider the request of the Petitioner to dispose of the Appeal early. Keeping all remedies of the Petitioner open, the Writ Petition is **disposed of.**

(N.M.Jamdar, J.)