

sg

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

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.12751 OF 2015**

Central Board of Trustees, EPFO

...Petitioner

vs

Electronica Machine Tools Ltd.

...Respondent

.....

Mr. Suresh Kumar, for the Petitioner.

Mr. Kezer A. Kharwala, a/w. Mr. Pradosh S. Patil, i/b. Lex Juris, for the Respondent.

.....

**CORAM : S.C. GUPTE, J.**

**DATED: APRIL 11, 2016**

**P.C. :**

. Heard learned Counsel for the parties. The writ petition is disposed of by consent of the parties in terms of the following order :-

- (i) The impugned order dated 28 April 2014 is set aside.
- (ii) The contentions of the Respondent, however, that since the filing of the FIR by the Provident Fund Authority, the Respondent has deposited the PF dues and also that the FIR was not maintainable for the reasons stated by the Respondent in its appeal before the Employees Provident Fund Appellate Tribunal, New Delhi, and which reasons have weighed with the Appellate Tribunal for passing the impugned order dated 20 December 2014, shall be kept open, to be agitated before this

Court in Criminal Writ Petition No.2290 of 2014.

(iii) So also it is made clear that all rights and contentions of the Respondent in the pending enquiry under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, shall be kept open and not prejudiced in any way by the present order.

(iv) No order as to costs.

**( S.C. GUPTE, J. )**