

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3031/2015

M/s D.S.H. Construction Limited through its Partner Mr. Shridhar s/o
Shankarrao Hawale

...Versus...

The Assistant Provident Fund Commissioner, Regional Office, Nagpur Raghuji
Nagar, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Ghatge, Advocate for petitioner

CORAM : SMT. VASANTI A NAIK, J.
DATE : 10.10.2016

By this petition, the petitioner challenges the order of the Assistant Provident Fund Commissioner, Nagpur under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

It appears that the petitioner had an alternate efficacious remedy of filing an appeal before the Employees' Provident Fund Appellate Tribunal but the petitioner did not avail the said remedy at the relevant time. It is stated on behalf of the petitioner that the petitioner has approached this Court as a notice was served on the petitioner asking the petitioner to show cause as to why a warrant of arrest should not be issued against the partners of the petitioner – firm.

Instead of availing an alternate efficacious remedy of filing an appeal before the Employees' Provident Fund Appellate Tribunal, the petitioner has rushed to this Court only on the ground that a notice was served on the petitioner asking the

petitioner to show cause as to why a warrant of arrest should not be issued against the partners of the petitioner – firm. This Court had, however, restrained the respondents from taking coercive steps against the petitioner, if the petitioner deposited a sum of Rs.1,00,000/- with the respondent no.2. It is stated that the petitioner has deposited a sum of Rs.1,00,000/- with the respondent no.2.

Be that as it may, since the impugned order is appealable and the petitioner has not availed the alternate remedy of filing an appeal against the impugned order, which is an appropriate remedy, it would be necessary to dispose of the writ petition, so that the petitioner may avail the alternate remedy, if so advised.

The learned Counsel for the petitioner states that the petitioner may avail the alternate remedy and the interim relief granted on 26.5.2015 may be continued for four weeks. The request is just and reasonable.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open. The interim relief granted on 26.5.2015 to continue for four weeks only. If the appeal is presented within two weeks, the appellate authority may accept the same and consider the same on merits as the petitioner had immediately filed this petition on 26.5.2015 after the impugned order was passed on 22.5.2015.

Order accordingly.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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