

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.626 OF 1998

Maharashtra Institute of Medical
Science and Research and it's Medical College
and Yashwantrao Chavan Rural Hospital,
Latur

-- PETITIONER

VERSUS

Shri.T.S.Kumar,
Asstt.Provident Fund Commissioner
and Office Incharge Provident Fund
Sub-Regional Office,
Aurangabad

-- RESPONDENT

Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for the petitioner.
Mr.K.B.Choudhary, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/02/2017

ORAL JUDGMENT :

1. The petitioner has challenged the orders dated 19/08/1997 and 02/09/1997 passed by the competent authorities u/s 7-A, the order dated 23/10/1997 u/s 7-B and the recovery order dated 06/11/1997 u/s 8-F of the Employees Provident Fund and Misc.Provisions Act, 1952.

2. Under the orders of this Court dated 23/02/1998 the entire assessed amount u/s 7-A has been deposited by the petitioner before the competent authority at Aurangabad. Mr.Chaudhary, learned Advocate for the P.F.Department confirms that the entire amount assessed under Section 7-A by order dated 02/09/1997 has been deposited by the petitioner.

3. It is trite law that the establishment can challenge the Section 7-A order before the Appellate Provident Fund Tribunal at New Delhi u/s 7-I by depositing the maximum of 75% assessed amount u/s 7-O. The said remedy is not an alternate remedy. It is a statutory provision and is therefore a statutory remedy, which is efficacious.

4. Considering the fact situation as above, this petition is disposed of without considering the contentions of the petitioner as against the impugned orders so as to enable the petitioner to avail of the statutory remedy u/s 7-I. The petitioner would be entitled to prefer an appeal u/s 7-I within a period of 8 (eight) weeks from today before the Appellate P.F. Tribunal and the time spent by the petitioner in Section 7-B proceedings and in this Court till the passing of this order, would be a ground for condonation of delay. Since the entire amount has been deposited in deference to the impugned orders, the

Appellate Tribunal shall note that this petitioner would not be required to deposit any amount u/s 7(O) while preferring the appeal. All contentions raised by the petitioner in this petition are kept open.

5. Rule is discharged.

(RAVINDRA V. GHUGE, J.)