

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 709 OF 2000

M/s. Aegis Ampoules & Vials Ltd,
Office Address : C-87/88, Waluj IA,
Aurangabad.

...Petitioner.

Versus

1. The Presiding Officer,
Employees Provident Fund Appellate
Tribunal, 7th Floor, 60, Skylark Building,
Nehru Place, New Delhi - 11010.
2. The Assistant Regional Provident
Fund Commissioner.
Office Address : New Town Centre,
N-1, Aurangabad, Maharashtra State.
3. Union of India,
through: the Standing Counsel,
High Court, Aurangabad,
Maharashtra State.

...Respondents.

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Advocate for Petitioner : Shri P.V.Barde
h/f Shri T.K.Prabhakaran
Advocate for Respondents : Shri K.B.Choudhary

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CORAM : RAVINDRA V. GHUGE, J.

Dated: May 09, 2017

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ORAL JUDGMENT :-

1 The petitioner is aggrieved by the order of the P.F. appellate
Tribunal, New Delhi dated 24.11.1999, which reads as under:-

*“ The impugned order determining provident fund
contribution against which this appeal has been filed have*

been passed on the amount admitted by the appellant. The appellant has not complied with the Procedures Rules in filing this appeal. He has not filed the certified copy of the impugned order. He has not deposited the 75% of the determined amount. It does not disclose the date of passing this impugned order and as such limitation also cannot be seen. Thus this appeal is liable to be summarily rejected. On account of all this the appeal is summarily rejected. Let the copy of this order be sent to both the parties."

2 Interim relief in terms of prayer clause (B) was granted by this Court on 31.3.2000 and the petition was admitted on 19.6.2000. The interim relief was continued for two weeks from the said date. However, the parties have maintained status quo till today.

3 I have heard the learned counsel for the appellant and the respondents at length.

4 Section 7-I of the Employees Provident Fund and Miscellaneous Provisions Act, 1972 ("EPF Act") provides for filing an appeal against an order of assessment of P.F. dues under Section 7A. Section 7-O mandates depositing 75% of the assessed dues as a per-condition for entertaining the Appeal. It is not disputed that the petitioner did not deposit a single penny and hence the impugned order.

5 Learned counsel for the petitioner submits that if the appeal is

restored, he would file an application for reduction / waiver of deposit under Section 7-O on the first date of appearance and he would abide by the directions of the PF Appellate Tribunal passed on the application.

6 Learned counsel for the authorities submits that the respondents would oppose such an application and would insist for payment of entire deposit, as during the course of enquiry, the PF dues have been admitted by the petitioner.

7 In the light of the above, this petition is partly allowed by setting aside the impugned order only on the following grounds:-

(A) The petitioner and respondent / department shall appear and be represented before the PF Appellate Tribunal, New Delhi in Appeal No. 9(27)/00/2930, on 30.6.2017. Notices need not be issued by the Tribunal.

(B) Application for reduction or waiver of deposit under Section 7-O shall be filed on 30.6.2017, failing which, the Tribunal shall proceed to dismiss the appeal for the same reason as is mentioned in the impugned order in this petition.

(C) If the above said conditions are complied with, the Tribunal shall grant time to the PF authorities to file their say and shall decide the application for reduction / waiver of deposit as expeditiously as possible and before 31.8.2017. The decision of the Tribunal shall be binding upon the petitioner.

(D) The tribunal shall decide the above said application on it's own merits by considering the record available and in view of the fact that this Court has not dealt with the merits of the matter.

8 Rule is made absolute in above terms.

(RAVINDRA V. GHUGE, J.)

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