

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

WRIT PETITION NO. 2970 OF 2017

BHAICHAND HIRACHAND RAISONI MULTI STATE COOPERATIVE
CREDIT SOCIETY LTD.
VERSUS
THE ASSISTANT PROVIDENT FUND COMMISSIONER NASHIK AND
ANOTHER.

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Advocate for the Petitioner : Shri V.D.Hon, Senior Advocate h/f Shri Hon
Ashwin V.

Advocate for the Respondents : Shri K B Choudhari.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th October, 2017.

Per Court:

1 I have considered the submissions of Shri Hon, learned Senior
Counsel for the Petitioner and Shri Chaudhari, learned Advocate for the
Respondent/ Employees' Provident Fund Department.

2 Shri Chaudhari informs that the Enforcement Officer is
present in the Court.

3 Considering the order that I intend to pass, I am not required
to advert to the entire submissions of the learned Advocates. Suffice it to
say that Shri Chaudhari submits, on instructions, that more than Rs.5
crore have been recovered by the Provident Fund Department and about

Rs.6 crore are due towards the Petitioner.

4 Since the thrust of the Petitioner's grievance is that the law issues and factual aspects were not considered as the Petitioner was not given a reasonable opportunity of hearing, I do not find that this petition needs to be kept pending in this Court as the issue of provident fund dues is the subject matter.

5 Considering the above and keeping in view that more than Rs.5 crore have been recovered and Rs.6 crore are said to be due, the impugned order dated 08.12.2016 can be quashed only to facilitate a rehearing in the matter.

6 In the light of the above, this Writ Petition is partly allowed. The impugned order dated 08.12.2016 is quashed and set aside and the proceedings No.MH/NK/52678/Compliance/ C-III/ 1742 are remitted to the Regional Provident Fund Commissioner, Nashik for a fresh hearing. All contentions of the parties are kept open.

7 The learned Advocates for the respective sides pray that a particular date for appearance after vacation may be granted so that the Petitioner would prepare the entire record to be placed before the Authority.

8 The request is accepted. The Petitioner shall, therefore, appear before the Regional Provident Fund Commissioner, Nashik on 03.11.2017 at 11:00 am. Formal notice need not be issued. The Petitioner

shall, thereafter, abide by the dates of hearing on which the matter is posted. The Petitioner is at liberty to raise all contentions including legal objections and is also at liberty to tender written notes of arguments, if so advised.

kps

(RAVINDRA V. GHUGE, J.)