

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.236 OF 2011**

Garware Goa Nets Ltd.
Represented by its
Duly authorised representative
Mr. Hari Vaman Dhupkar
Corlim Industrial Estate,
Corlim Goa 403 110
Margao Goa. .. Petitioner

V/s

1. The Asst. Provident Fund Commissioner
The Employees Provident Fund
Organization, Bhavishya Nidhi
Bhavan, Patto, Panaji Goa 403 001.
2. The Recovery Officer
The Employees Provident Fund
Organization, Bhavishya Nidhi
Bhavan, Patto, Panaji, Goa
403 001. .. Respondents

Mr. Vijay Palekar, Advocate for the petitioner.

Mr. C. A. Ferreira, Advocate for the respondents.

CORAM :- C. V. BHADANG, J.

Date :- 26th September, 2017

ORAL JUDGMENT :

This petition can be disposed of on a short count.

2. The learned Counsel for the petitioner is not challenging damages under Section 14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (the Act, for short). A calculation made thereunder is set out in the

impugned order dated 14/02/2011.

3. The only contention is that while calculating the interest under Section 7Q of the Act, the concerned authority has applied compound interest, which is not permissible. In other words, the only dispute is about the calculation of the interest from 11/08/2004 to 26/06/2006 i.e. for a period of 705 days.

4. Shri Ferreira, the learned Counsel for the respondents, on instructions from Shri Himesh Prakash, Enforcement Officer (Legal), states that the amount indicates that there is application of interest on interest. He submits that the respondents shall recalculate the amount on the basis of simple interest and shall refund the balance amount, if any, to the petitioner. The statement is accepted.

5. The petition is accordingly, disposed of in the aforesaid terms. The respondents shall recalculate the amount of interest under Section 7Q of the Act, for the period from 11/08/2004 to 26/06/2006, by applying simple interest and shall refund the balance amount, if any, to the petitioner, within a period of three months from today.

6. Rule is made partly absolute in the aforesaid terms,
with no order as to costs.

SMA

C. V. BHADANG, J.