

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1024 OF 2017

QUADROS MOTORS PVT. LTD., REP. BY
ITS AUTH. REP., RAMCHANDRA
SHIRODKAR.,

... Petitioner

Versus

THE RECOVERY OFFICER, PANAJI AND
ANR.,

... Respondents

Mr. Vijay A. Palekar, Advocate for the Petitioner.
Mr. C. A. Ferreira, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 21st November 2017

ORAL ORDER:

The petitioner is challenging the order dated 16.11.2017 and the order dated 30.12.2016, passed by the competent authority under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Act, for short).

2. Undisputedly, the petitioner has challenged the order dated 30.12.2016 in an appeal, which is still pending before the Appellate Authority and is coming up for hearing on 30.11.2017.

By the communication dated 02.11.2017, the respondents have claimed an amount of Rs.8,45,112/- from the petitioner, under Section 8F of the Act. It is also not in dispute that the authorities have attached the Bank Account of the petitioner with Bank of Maharashtra at Margao. The learned Counsel for the petitioner

has also pointed out that an application for waiver is also pending before the Appellate Authority. The learned Counsel has submitted that an amount of Rs.2,00,000/- has been deposited before the Appellate Tribunal on 21.08.2012. It is submitted that an amount of Rs.3,95,992/- (out of the present demand) pertains to the employees' contribution for the pre-discovery period. He therefore seeks stay of the order for a limited period.

3. On hearing the learned Counsel for the petitioner and for the respondents, I do not find that any case for interference is made out. It is neither necessary nor appropriate to go into the merits of the matter, as the appeal filed by the petitioner is pending before the statutory authority. Insofar as the subsequent order dated 16.11.2017 is concerned, the authorities have already attached the Bank Account of the petitioner, which order has already taken effect. The appeal is coming up before the Appellate Tribunal within 10 days. It would, therefore, for the petitioner to seek appropriate reliefs, if any, from the Appellate Authority. In such circumstances, I decline to entertain the petition. The petition is dismissed.

C. V. BHADANG, J.

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