

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2168 OF 2017
IN
WRIT PETITION NO. 4372 OF 2017**

M/s.Guyrukripa Vikas Sanstha ...Applicant/Petitioner
vs.

Assistant Provident Fund Commissioner Mumbai & Anr. ...Respondents

Mr.A.P. Wachasundar for Applicant.
Mr.Suresh Kumar for Respondents.

CORAM : PRASANNA B. VARALE, J.

DATE : 20 SEPTEMBER 2017

P.C. :

Heard learned Counsel, Mr.Wachasundar, for the Applicant.

2 It was submitted by learned Counsel for the Applicant that by considering controversy involved in the petition, this court by order dated 13 April 2017 directed the Petitioner to deposit a sum of Rs.3,04,733/- with the Respondents within a stipulated period of four weeks. This court then restrained the Respondents from taking any coercive action against the Petitioner till the next date. Learned Counsel then submitted that the Petitioner could deposit only an amount of Rs.50,000/- within the stipulated period, as such, he had approached this court by filing civil application seeking extension of time. Mr.Wachasundar then submitted that by order dated 21 June 2017, considering the difficulty being faced by the Applicant, namely, financial constraints, this court extended the period by three weeks from date of the order, i.e. 21 June 2017. Learned Counsel then submits that the outstanding balance of the amount, i.e. Rs.2,54,733/-, though was to be

deposited within three weeks from 21 June 2017, the Petitioner is facing the difficulty of financial constraints and is expecting to receive his outstanding dues by 30 September 2017. Learned Counsel for the Applicant submits that as a last chance by way of extension, the Petitioner/Applicant be granted further period to deposit the amount of Rs.,2,54,733/- by extending the period till 30 September 29017.

3 Learned Counsel appearing for the Respondents opposes the application. Learned Counsel for the Respondents invited my attention to the communication issued by the department dated 18 July 2017 informing the Petitioner to deposit the balance amount of Rs.2,54,733/- and also appraising the Petitioner that his act of non-compliance of the order of this court can be treated as disobedience of the order of this court. Though the application is opposed by learned Counsel for the Department, considering the submission of Mr.Wachasundar that by way of last opportunity the Applicant / Petitioner be granted time to comply with the order of this court, the application is allowed in terms of prayer clause (ii) subject to the Petitioner depositing costs of Rs.1000/- in the High Court Legal Aid Services Authority within two weeks from today.

4 The application is disposed of accordingly.

(PRASANNA B. VARALE, J.)