

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

WRIT PETITION NO.5102 OF 2017

M/s.Graphic Machinery Industries	...Petitioner
Versus	
Regional Provident Fund Commissioner And Anr.	...Respondents

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Mr.Shailesh S.Pathak for the Petitioner.
Ms.Shehnaz Vispy Bharucha for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED:13th JUNE, 2017.

P.C.:-

1. The Petitioner has invoked the Writ jurisdiction of this Court to challenge the order dated 25th September, 2014 passed under section 14-B of the Employees Provident Fund and Miscellaneous Provision Act, 1952 (for short 'the said Act').

2. In paragraph 10 of the Petition the Petitioner has specifically stated that it has no other alternative and/or adequate and/or equally efficacious remedy than to file the present Petition. In this regard, the learned Counsel for the Respondent has submitted that the order under Section 14B of the Act is appealable in terms of Section 7-I , which reads as under:-

7-I:-Appeals to Tribunal:-(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to Sub-section (3), or sub- section (4), of section 1, or section 3, or sub-section (1) of section 7-A, or section 7-B [except an order rejecting an application for review referred to in sub- section (5) thereof] or section 7-C, or section 14-B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed".

3. A plain perusal of the aforesaid provision clearly indicates that the impugned order is appealable. The statement made in paragraph 10 of the Petition is apparently a misleading statement. The learned Counsel for the Petitioner submitted that the petitioner has no financial capacity to approach the Appellate authority. The Petitioner is a company and hence, the contention cannot be accepted.

4. Considering all the above facts and considering the fact that the petitioner has an alternative remedy of filing the appeal, the petition is dismissed.

(ANUJA PRABHUDESSAI, J.)