

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.2610 of 2017 in
Writ Petition No.123 of 2013 (D)
(Mah. Gramin Bank .vs. Union of India and Others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.S.N.Tapadia, Advocate for the applicant.
Ms Tanna, Advocate h/f. Mr.R.S.Sundaram, Advocate for
Respondent Nos.1, 3, 4 and 4-A.
Mr.Uday Dastane, Advocate for Respondent No.6.

CORAM : R. K. DESHPANDE &
M. G. GIRATKAR, JJ.

DATE : 14.12.2017.

Heard.

Writ Petition no.123 of 2013 was filed by the petitioner seeking a direction to the Provident Fund Authorities to refund the employers provident fund contribution, paid in excess, with interest @ 18 % p.a. The petition was allowed by this Court on 13.7.2017 directing the Provident Fund Authorities to refund the provident fund contribution made by the petitioner/bank in excess of the statutory limit in respect of its employees during the period from 1.11.1998 to 31.10.2008 with statutory interest @ 12% p.a. from the date of payment of excess contribution till the date of realisation of the amount. Since the amount of Rs.22 Crores was deposited by the Provident Fund Authorities in this Court in terms of the interim orders passed, the petitioner was permitted to withdraw the said amount.

The Provident Fund Authorities prayed for

continuation of interim order for a period of six weeks so as to enable to approach the Apex Court against this decision. It was, therefore, not permissible for the petitioner to appropriate the said amount for a period of six weeks after decision of the Apex Court.

The matter was listed before this Court on the last occasion i.e. on 8.12.2017 when we asked Ms Tanna, learned Counsel appearing for the respondent/Provident Fund Authorities to take instructions on the question of appropriation of amount of Rs.22 Crores by the petitioner. The petitioner has produced before us the communication from the Regional Provident Fund Commissioner informing Mr.R.S.Sundaram, learned Counsel for the respondents that the respondent/Authorities have not filed Special Leave Petition before the Apex Court and this fact be brought to the notice of this Court. The communication is placed on record and marked as "X" for identification.

In view of above, we do not find any impediment in allowing this application. Hence, the application is allowed.

The FDR receipt in the name of 'Registrar', Bombay High Court, Nagpur Bench is discharged and the petitioner/bank is permitted to appropriate the amount deposited vide FDR receipts in the petitioner/bank pursuant to order dt.16.12.2013, along with the interest accrued thereon.

The application stands disposed of.

JUDGE

JUDGE

**jaiswal*