

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD***

915 WRIT PETITION NO.13686 OF 2018

Maharashtra Nagari Sahakari Bank Ltd.,
Through General Manager
Madhav Baburao Ankulge

Petitioner.

Versus

Regional Provident Fund Commissioner-1,
Assessing Officer, Solapur.

Respondent.

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Advocate for Petitioner : Mr. Deshmukh Sachin S.

Advocate for Respondents : Mr. N K Chaudhary

Coram : N.M. Jamdar, , J.

Dated : 11 December 2018

ORAL ORDER :-

1. Heard learned counsel for the parties.
2. The petitioner was served with a notice dated 4 December 2018 issued by the Regional Provident Fund Commissioner under the Employees Provident Funds and Miscellaneous Provisions Act, 1952, calling upon the petitioner to pay an amount of ₹ 1,14,17,719/-. The petitioner makes a grievance that before the statutory period of sixty days to file an appeal before the Tribunal is over, the authorities have

proceeded to resorted to coercive method and have attached the bank accounts of the petitioner. Learned counsel for the petitioner submitted that 50% of the dues payable have been deposited.

3. This petition had come up on board yesterday and to enable the learned counsel for respondent/Commissioner to take the instructions, it was kept today. The fact that the petitioner has deposited 50% of the amount has been accepted by the authority.

4. As against the order dated 3 October 2011, an appeal is provided to the Tribunal and therefore, it is not necessary to entertain the petition as against this order and the petitioner also has not challenged the order but has only challenged the coercive measures.

5. Considering the fact that, 50% amount has been deposited and that the petitioner has undertaken to file an appeal in respect of the challenge to the order dated 31 October 2018, the attachment of the Bank Accounts of the petitioner stands lifted.

6. As regards further liability of the petitioner and the correctness of the order dated 31 October 2018, the same will be considered in appeal and all contentions of the parties are kept open.

7. In case, the petitioner does not file an appeal as undertaken as above, liberty to the respondent/ organization to take necessary steps.

8. The amount of 50% referred to above be treated as a deposit by the petitioner in the appeal subject to the rights and contentions of the respondent organization.

9. The respondent authorities, since are represented through an Advocate, without waiting for the copy of the order, will de-seal the attached bank accounts of the petitioner.

10. The Writ Petition is disposed off in above terms.

(N.M. Jamdar, J.)

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