

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 663 OF 2017

THE CENTRAL BOARD OF TRUSTEES THR.
ASST. REGIONAL P.F. COMMISSIONER., ... Petitioner

Versus

TECHFORCE COMPOSITE PVT. LTD., ... Respondent

Shri Carlos Alvares Ferreira, Advocate for the Petitioner.

Shri Girish Sardessai with Shri Avalon Alton Carvalho,
Advocates for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 21st September 2018

P.C.

Heard Shri Ferreira, the learned Counsel for the petitioner
and Shri Sardessai, the learned Counsel for the respondent.
Perused record.

2. The learned Counsel for the respondent has raised a preliminary objection about gross delay and laches in filing this petition.

3. The brief facts are that the Assistant Provident Fund Commissioner has passed an order on 30.11.2011, under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (Act, for short), assessing and levying an amount of Rs.53,31,400/-, as provident fund contribution for the

period from June 2006 to February 2011, as set out in para 3 of the impugned order.

4. The respondent challenged the same before the Appellate Authority. The Appellate Authority allowed the appeal on 21.07.2014, thereby setting aside the levy of the provident fund contribution. A bare perusal of paras 10 onwards of the petition shows that the only ground made out for not approaching the Court earlier is that the petitioner had not received the certified copy of the impugned order, inspite, of two letters being sent on 08.10.2015 and 20.05.2016, for obtaining the certified copy of the impugned order.

5. It however appears that the petitioner learnt about the impugned order on 18.06.2015, when the respondent submitted a copy of the impugned order to the petitioner. It can thus clearly be seen that the copy of the impugned order was received by the petitioner in June 2015 itself and no steps were taken for challenging the same till 04.01.2017. It can thus be clearly seen that the petition suffers from the vice of gross delay and laches.

6. In that view of the matter, I decline to entertain the petition, which is accordingly dismissed, with no order as to costs. The amount deposited by the respondent, in accordance with order dated 04.07.2012, passed by the Appellate Tribunal, shall be

refunded to the respondent.

C. V. BHADANG, J.

EV