

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 422 OF 2013

THE REGIONAL PROVIDENT FUND
COMMISSIONER

... Petitioner

Versus

BOGMALO BEACH RESORT

... Respondent

Shri Carlos Alvares Ferreira, Advocate for the petitioner.

Shri P.Bandodkar, Advocate for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 14th June 2018

ORAL ORDER:

The learned Advocate for the respondent placed reliance in Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Kozhikode, Kerala v/s. West Coast Petroleum Agency and Ors [2012 I CIR 1017], Assistant Provident Fund Commissioner, Vishakhapatnam v/s. Employees Provident Fund Appellate Tribunal and Anr.[2013 III CIR 198] and the judgment in The Regional Provident fund Commissioner - II, Hubli v/s. M/s. KLE Society's college of Education [2017 LLR 478] to buttress his contention that the Regional Provident Fund Commissioner cannot file Writ Petition against the order of the Appellate Tribunal in exercise of its quasi judicial powers.

2. Shri C.A. Ferreira, learned Advocate for the petitioner submitted that the Regional Provident Fund Commissioner is empowered to file the petition.

3. However, considering the ratio laid down in each of the judgments, there is no basis in his contention and in view thereof, the petition does not survive and is accordingly dismissed.

4. Shri P.Bandodkar, learned Advocate for the respondent submits that the Bank Accounts of the respondents were attached by the petitioner and the same be released.

5. Shri C.A. Ferreira, learned Advocate for the petitioner left the matter to the discretion of the Court.

6. In view of the non-maintainability of the Writ Petition, the Bank Account of the respondents attached, if any, shall be released from such order of attachment pursuant to the order in this proceedings.

NUTAN D. SARDESSAI, J.