

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

WRIT PETITION NO. 9250 OF 2018

M/s.Shree Ambika Industrial Services	...	Petitioner
V/s.		
The Assistant Provident Fund Commissioner & Anr.	...	Respondents

- Mr.Aumkar V. Joshi for the Petitioner.
- Ms.Priyanka Tiwari i/b. Mr.Suresh Kumar for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th DECEMBER, 2018.

P.C. :

1] Heard learned counsel for the Petitioner and learned counsel for the Respondents.

2] The only relief sought by the Petitioner in this Petition is of condonation of delay of 331 days in filing the Appeal under Section 7-I of the Employees' Provident Fund and Miscellaneous Provision Act, 1952, before the Employees Provident Fund Appellate Tribunal and to set-aside the Notice dated 10th January, 2018, proposing to undertake action for non-compliance of the order dated 27th December, 2016.

3] Learned counsel for the Respondents relies upon the order passed by this Court on 10th January, 2018 in the case of *S.S. Enterprises Vs. Assistant Provident Fund Commissioner and Anr.*, in *Writ Petition No.36 of 2018*, to submit that the Tribunal cannot extend the period of limitation beyond 120 days for filing of the Appeal. If the Tribunal does not have such power of condonation of delay, this Court in Writ Jurisdiction cannot do the same.

4] In view of the clear legal position taken by this Court having regard to the provisions of Section 7-I of the Employees' Provident Fund and Miscellaneous Provision Act, 1952 under which the Appeal is filed and Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules 1997, needless to state that this Court also, in Writ Jurisdiction cannot condone such delay.

5] Hence, the Writ Petition being without merits stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]