

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

WRIT PETITION NO.9987 OF 2016

Mr.Sarosh Contractor .. Petitioner

Vs.

The Employees Provident
Fund Organisation & Anr. .. Respondents

Mr.Kiran Bapat with Mr.Jayesh Desai i/b M/s.Desai & Desai Associates for the petitioner.

Mr.V.K. Wasnik for the respondent nos.1 and 2.

CORAM : A.K. MENON, J.

DATED : 16TH APRIL, 2018.

P.C. :

1. The challenge in this petition is to the show cause notice issued by respondent no.2 on behalf of respondent no.1 before issuance of warrant for arrest dated 8th July, 2016. The petitioner claims to have been employed by one M/s.Cambata Aviation Pvt. Ltd. and was latter appointed as a Director of the said company. According to the petitioner, the petitioner resigned from the post some time in the June 2009 and has thereafter has not been involved in the business of the company. He claims he has filed the requisite forms in the office of the Registrar of Companies and he has received impugned notice to

show cause against arrest in non compliance of the provisions of the Act by the company – M/s.Cambata Aviation Pvt. Ltd.

2. Today at the hearing of this petition, learned counsel for the respondents states on instructions of the respondents, that the respondents do not intend to act upon the impugned notice dated 8th July, 2016. In that view of the matter the impugned notice cannot be sustained. In view of aforesaid, the petition is liable to be allowed and the petitioner is entitled to relief in the petition. Hence the show cause notice dated 8th July, 2018 at Exhibit-D to the petition is hereby quashed and set aside. The respondents shall be at liberty to adopt such proceedings in law as may be available to them subject to granting liberty to the petitioner of being heard in the matter. The petition is disposed of in the above terms.

(A.K. MENON,J.)