

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

WRIT PETITION (ST.) NO.36000 OF 2017

M/s Jijamata Foundation's Sau.
Nirmalabai Patil Women's Polytechnic
College

.... Petitioner

Versus

Asstt. Provident Fund Commissioner,
Employees Provident Fund Organization
And Another

.... Respondents

.....

Mr. Aumkar Joshi I/b Mr. A.P. Wachasundar for the Petitioner.
Mr. Suresh Kumar a/w Ms. Priyanka Tiwari for the Respondents.
Mr. Rahul Patil, Vice President of the Petitioner present.

....

CORAM : S.C.GUPTE, J.

DATE : 24 JULY 2018

P.C. :

. The present petition challenges orders passed by Assistant Provident Fund Commissioner under Sections 14-B and 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("Act"). After filing of the petition, the interest charged under Section 7-Q has already been paid by the Petitioner-establishment. The challenge now pertains only to the order under Section 14-B of the Act. After the matter is heard at some length, it is agreed between learned Counsel for both sides (learned Counsel for the Petitioner agreeing on instructions of the Vice President of the Petitioner) and accordingly ordered that the impugned order dated 28/29 July 2016 passed under Section 14-B of the Act is set aside and the matter is remanded to the appropriate authority under the

Act for a fresh enquiry under Section 14-B of the Act. Since the original order under Section 14-B is quashed and set aside, all orders consequent thereto including the recovery notice and proceeding initiated in pursuance thereof shall also stand quashed and set aside.

2 The writ petition is disposed of.

3 The Petitioner may appear before the competent Provident Fund Authority with an authenticated copy of this order on 6 August 2018 at 11.00 a.m. when directions may be passed for fresh enquiry.

(S.C. GUPTE, J.)

Rajesh
Vasant
Chittewan

Digitally signed
by Rajesh Vasant
Chittewan
Date: 2018.07.25
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