

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.309 OF 2017
IN
COMPANY PETITION NO.606 OF 1998**

Transpower Kamagar Sanghatana)....Applicant

IN THE MATTER BETWEEN :

Metal Tubes & Rolling Mills)....Petitioner
V/s.

The Official Liquidator for M/s.Transpower)
Engineering Limited)....Respondent

Mr.Pankaj Pandey for the applicant.
Mr.Mahendhar Aithe-Company Prosecutor for OL present.

**CORAM : K.R.SHRIRAM,J
DATE : 27.2.2018**

P.C.:-

1 This application is filed on behalf of 176 workmen. For the same claim, Enforcement officer/Provident Fund Inspector on behalf of Regional Provident Fund Commissioner, Vashi had filed proof of claim on 5.11.2014 without obtaining order of condonation of delay from the court. Mr.Aithe-Company Prosecutor states that hence the application was not considered.

2 On an application of the applicant, the applicant was permitted to add respondent no.2 to the application. The affidavit of service of one Shantaram Bhoir affirmed on 15.2.2018 is filed

confirming service of the application upon respondent no.2 on 12.2.2018. Despite having 15 days notice, nobody is present for the Employee's Provident Fund Organization and no affidavit is filed. It should be noted that even the proof of debt was lodged by Employee's Provident Fund Organization with the liquidator late and Employee's Provident Fund Organization has not bothered to even apply to this court for condonation of delay though more than 3 years have passed. This shows the total lack of concern that Employee's Provident Fund Organization has for the workmen and also shows the gross inefficiency on the part of Employee's Provident Fund Organization.

3 It hurts the conscience of this court when workmen have to suffer due to bureaucratic inefficiency. Therefore, Official Liquidator is directed to consider the proof of debt filed by Employee's Provident Fund Organization together with proof of debt filed by the applicants herein and adjudicate the claim within 8 weeks from today.

4 Copy of this order be forwarded to the Regional Provident Fund Commissioner/Chief Provident Fund Commissioner and also to the Secretary, Ministry of Labour & Employment , Govt. of India.

Application disposed.

(K.R.SHRIRAM,J)