

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8351 OF 2019

M/s Popatlal Mohanlal Chordia ...Petitioner

Versus

The Assistant Provident Fund
Commissioner, Employees Provident Fund
Organization & Anr. ...Respondents

.....

Mr. Sagar S.Vidwauns, Advocate for the Petitioner.
Mr.N.K.Choudhari, Advocate holding for Mr. K.B.Choudhari,
Advocate for the Respondents.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 09-07-2019.

PER COURT :

01. I have heard the learned Counsel for the petitioner and on behalf of the respondent organization.

02. This Court had issued certain directions below paragraph No. 7 in the Judgment dated 21.9.2016 in Writ Petition No. 5818/1995. The said directions read as under:

(a) The impugned Orders dated 22.3.1995 and 13.10.1995 shall be kept in abeyance by directing respondent No.2/EPF Authority,

Aurangabad to permit the petitioner to participate in Section 7-A proceedings.

(b) The petitioner shall appear before respondent No.2 on 24.10.2016 and shall deposit an amount of Rs. 4Lac with respondent No. 2 on or before 24.10.2016 as a precondition for enabling a rehearing under Section 7-A.

(c) Needless to further state, the petitioner shall deposit the said amount if the Order dated 13.10.1995 seeking recovery of the amount under Section 8-F has not been implemented.

(d) The petitioner is at liberty to file a detailed reply and tender such documents as he may deem appropriate in support of his case.

(e) Respondent No. 2 shall give sufficient opportunity of hearing to the petitioner and shall conclude the proceedings by 30.12.2016 and shall proceed to deliver a reasoned order under Section 7-A on or before 31.01.2017.

(f) Needless to state, in the event the petitioner does not comply with the directions as above on or before 24.10.2016 by depositing the amount, the impugned Orders dated 22.3.1995 and 13.10.1995 shall stand restored and be executable.

03. The learned Advocate for the petitioner submits that his earlier petition which was admitted in 1995, was being conducted by a particular Advocate. After his demise, the petitioner lost track of his petition. Now, the petitioner has gathered knowledge of the Order of this

Court after receiving notice dated 13.5.2019 impugned in this petition.

04. It is submitted that the petitioner would comply with all the directions and would also deposit Rs. 4,00,000/- within two weeks from today.

05. Though the learned Advocate for the PF Organization has opposed this petition, I find that the ends of the justice would be met by directing the organization to hold a proper enquiry under Section 7 and the allied provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

06. In view of the above, this petition is allowed. The impugned notice is set aside. In furtherance to the directions reproduced above, the petitioner would now deposit an amount of Rs. 4,00,000/- with the respondent organization at Aurangabad, on or before 30.7.2019. The petitioner shall appear before the said authority on 2.8.2019 at 11 A.M. If the amount is not deposited as directed, the respondent authorities would close the proceedings on 31.7.2019 and proceed to execute the notice dated 13.5.2019.

07. Needless to state, if the above directions are

complied with, the parties would abide by the further directions and the respondent organization would conclude the hearing in the matter and pass appropriate Orders on or before 30.11.2019. It is made clear that the petitioner would be obliged to produce such record as may be directed by the concerned authority and is also at liberty to produce the record which it deems proper in support of its case.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-