

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1465 OF 2019

Devadeveshwar Sansthan

.. Petitioner

Vs.

The Assistant Provident Fund Commissioner

.. Respondent

Mr. Rahul Nerlekar for the Petitioner.

Ms. Mohini Chougule i/b. Mr. Suresh Kumar for Respondent nos. 1 and 2.

CORAM : A.K. MENON, J.

DATED : 4th FEBRUARY, 2019.

P.C. :

1. The limited challenge in this petition is to office order dated 9/10th January, 2019 passed by respondent no. 2 on an application also dated 10th January, 2019 whereby the petitioner has sought an enquiry which is ongoing to be kept in abeyance.

2. It is submitted by the learned counsel for the petitioner that the respondents have not identified the employees who were covered under the Provident Fund Act and therefore he seeks interim protection against continuation of the enquiry. In my view this requested cannot be acceded to.

3. The enquiry must proceed. It will be open for the petitioner to make all submissions including the submissions as to coverage of employees before the

authority. If the finding are against the petitioner, the petitioner has always an appellate remedy and hence I am not inclined to exercise the inherent powers of this Court.

4. The respondent no. 2 will hear the parties and pass a reasoned order on this application before it is finally disposed. In view of the above the writ petition is disposed. Disposal of this petition shall not influence the proceedings in the enquiry.

(A.K. MENON.J.)