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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6555 OF 2019

Shri Dutt India Pvt. Ltd.

..Petitioner.

V/s.

The Government of India & Ors.

..Respondents.

Ms.Manisha Jagtap with Sairuchita Chowdhari i/b. J.Shekhar & Co. for the petitioner.

Mr.Suresh Kumar for respondent No.4.

CORAM: NITIN W.SAMBRE, J.

DATE : JUNE 13, 2019

P.C.:-

Heard respective parties.

2. The case of the petitioner is, it has entered into lease agreement in July 4, 2017 with the Vasantdada Sahakari Sugar factory.

3. The said sugar factory was proceeded against under the provisions of the Employees Provident Fund Act for recovery of dues to the extent of Rs.2,59,25,516/-.

4. Since the dues were not cleared, prohibitory orders were passed against the petitioner on May 10. 2019 which is the

subject matter of challenge in the petition.

5. Attention of the Court is invited to the appeal preferred by the the said Sugar factory against the order of assessment of the provident fund with penalty thereon. It is the case of the petitioner that the petitioner has filed an intervention application before the Central Government Industrial Tribunal in the said appeal, which is preferred at the behest of respondent No.3 and prayed for interim relief to the extent of stay to the recovery.

6. According to learned counsel for the petitioner, the appeal preferred by the said sugar factory is recently numbered, as such the decision on the application for intervention and stay to the recovery is likely to take some more time. As such, it is prayed that the order impugned whereby the prohibitory order is passed needs to be stayed.

7. Learned counsel for the respondent submits that till the application for interim relief is decided, he has no objection if the interest of the petitioner is protected. In view of the aforesaid, the petition stands disposed with the following order :-

- (i) The respondents shall not take any coercive action against the petitioner for a period of six weeks from today;

- (ii) In the meantime, it is expected of the Industrial Tribunal, to decide the intervention application preferred by the petitioner as expeditiously as possible;
- (iii) So far as the order of freezing debit side of the account is concerned, the petitioner is till then permitted to operate the said account to the extent of disbursement of salary of the employees and payment to dues to the farmers. Petitioner shall maintain appropriate record in the form of accounts of such disbursement.
- (iv) With the above observations, the petition stands disposed of.

(NITIN W.SAMBRE, J.)