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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11512 OF 2017**

The Central Board of Trustees, through
the Assistant P.F. Commissioner (Legal)

.....Petitioner

V/s.

ONGC Ltd.

.....Respondent

Mr. Suresh Kumar a/w Sumandevi Yadav a/w Priyanka Tiwari for
the Petitioner

None for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 27, 2019.

P.C.

Heard the learned counsel for the petitioner.

2 In the appellate proceedings before the Employees Provident Fund Appellate Tribunal, on 19/07/2016, the Tribunal quashed and set aside the order impugned dated 08/06/2015 whereby respondent were held liable for payment of provident fund as principal employer. The Tribunal has gone on record in observing

that there is exemption under Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 ('the Act' for short).

3 The learned counsel for the petitioner tried to submit that exemption can be read under Section 16 of the Act, however, the fact remains that once there is exemption, no recovery proceedings can be taken against respondent-principal employer.

4 That being so, no case for interference is made out. Petition as such fails, stands dismissed.

[NITIN W. SAMBRE, J.]