

BDP-SPS

Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2154 OF 2019**

The NAB Workshop for the Blind Petitioner.

V/s

Recovery Officer (Dadar)
Employee Provident Fund
Organization & Others Respondents.

Mr. Shyam Mehta, Senior Advocate with Mr. Aekaanath Nair I/b K.
Ashar & Co. for the Petitioner.
Mr. Ravi Rattesar for Respondents.

CORAM: NITIN W. SAMBRE, J.

DATE: 23rd July, 2019

P.C.:-

1] A statement is made by the learned Counsel for the Petitioner on instructions that against the order impugned, the Petitioner shall file an appeal within a period of limitation prescribed under the provisions of Employees' Provident Fund and Miscellaneous Act, 1952. Since the statement is made on instructions, same is accepted.

2] By an additional affidavit, it is brought to the notice of this

Court that all the Accounts of the Petitioner are attached by the Respondents-PF Authorities, as against the liability of Rs 58,42,972/-. The perusal of account details which are furnished by the Petitioner reflects that in various Accounts, balance is more than the liability for which attachment is ordered.

3] As such, Petition can be conveniently disposed of by restricting the attachment to the extent of liability of the Petitioner under the Employees' Provident Fund and Miscellaneous Act, 1952 i.e. Rs 58,42,972/-. It is made clear that for rest of the amount, it shall be open for the Petitioner to operate the Accounts. The aforesaid order is made having regard to the fact that the Petitioner is a public trust, catering needs of specially abled persons in the Society.

4] The aforesaid order passed by this Court shall continue to operate till the application for stay, as shall be moved by the Petitioner in the appeal to be filed, is decided. Needless to clarify that application for stay, if so moved by the Petitioner, be decided expeditiously.

5] It is further clarified that even the Account No. 010200100021183 of the Petitioner in Saraswat Co-op. Bank Ltd be permitted to be operated by the Petitioner, provided the Petitioner maintains the balance over and above the amount of liability i.e. Rs 58,42,972/-.

6] Petition stands disposed of in the above terms.

(NITIN W. SAMBRE, J.)