

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.618/2019

IN

WRIT PETITION NO.7040/2017

Shri Vilas S/o Ramchandra Deshmukh

..Vs..

The Recovery Officer, Office of Regional Provident Fund Commissioner, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.A. Bramhe, Advocate for the petitioner.
Shri A.R. Prasad, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATED : 14.6.2019.

At the time of hearing of this application, query was made to the learned Advocate for the respondent about compliance of the order dated 9th January, 2019 by which the Provident Fund Commissioner was directed to file affidavit alongwith action taken report, till 1st March 2019. Learned Advocate for the respondent has pointed out the affidavit sworn by the Provident Fund Commissioner on 28th February, 2019. The affidavit does not cover the points regarding which clarification was sought from the Provident Fund Commissioner. There is nothing in the affidavit to show that the Sutgirni, from which the amount is to be recovered, is not having any immovable property. It is not pointed out as to what steps are taken by the Recovery Officer to recover the amount from the immovable property of the Sutgirni. The explanation

given in the affidavit regarding action taken by the Recovery Officer is also not satisfactory. It appears that the Provident Fund Commissioner is trying to hush up the issue and protect the Recovery Officer. The Provident Fund Commissioner is given one more opportunity to comply with the order dated 9th June, 2019 and file detailed affidavit pointing out action taken by him against the Recovery Officer and also action taken regarding recovery of the amount from the immovable property of the Sutgiri. The affidavit shall be filed till 3rd July, 2019. If the affidavit is not filed till 3rd July 2019, Provident Fund Commissioner, Nagpur Circle shall remain present on the next date of hearing.

C.A.W. NO.619/2019

Accepting the explanation given in the application, the respondent is permitted to annexe documents alongwith the reply filed by the respondent. The civil application is **allowed** accordingly.

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List the petition for further consideration / hearing on 10th July, 2019.

JUDGE