

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2069 OF 2019

Akola Municipal Corporation, Thr. its Dy. Commissioner

-vs-

Asst. Provident Fund Commissioner, Satpur, Nasik

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Atul J. Pathak, Advocate with Shri Girish
Deshpande, Advocate for petitioner.
Shri H. N. Verma, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : March 12, 2019

Rule.

Heard finally with consent of learned counsel for the parties. Shri H. N. Verma, learned counsel waives notice for the respondent.

In this writ petition an order under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the said Act) is under challenge. According to the petitioner though the remedy of an appeal under Section 7-I of the said Act is available, the appellate Authority is presently on leave and hence there is no likelihood of the said appeal being taken up for hearing immediately. The petitioner apprehends coercive steps being taken by the respondent to enforce the order passed under Section 7-A of the said Act. In this backdrop the present writ petition has been filed.

Shri H. N. Verma, learned counsel for the respondent does not dispute that presently the appellate Authority is not available till 15/03/2019. He however submits that in the

light of the statutory remedy having been invoked by the petitioner, no relief deserves to be granted in the present writ petition.

Perused the records which indicate that on 31/01/2019 an order under Section 7-A of the said Act has been passed. It is not in dispute that appeal under Section 7-I of the said Act has been preferred by the petitioner. Similarly an application under provisions of Section 7-O has also been preferred before the appellate Authority.

Interests of justice would be served in these facts by passing the following order:

- (i) The parties shall appear before the appellate Authority on 20/03/2019 to enable the appellate Authority to take necessary steps to hear the appeal filed under Section 7-I of the said Act.
- (ii) Till the statutory period of preferring the appeal is over or till the application under Section 7-O of the said Act is decided by the appellate Authority, no coercive steps be taken for enforcing the order dated 31/01/2019 passed under Section 7-A of the said Act.
- (iii) The appeal shall be decided expeditiously on its own merits and in accordance with law.

Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE