

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

WRIT PETITION NO.3432 OF 2016
WITH
WRIT PETITION NO.27 OF 2017

Shivaji Education Society, Washim

-vs-

Assistant Provident Commissioner, Akola

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

Court's or Judge's Orders.

Shri A. R. Deshpande, Advocate for petitioner.
Shri H. N. Verma, Advocate for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : October 15, 2019

The challenge raised in these writ petitions is to the orders passed under Section 7-A of the Employees Provident Funds and Misc. Provisions Act, 1952 (for short, the said Act). The said orders were not challenged by invoking the statutory remedy available under Section 7-I of the said Act. According to the petitioners since the liability has been saddled in a manner contrary to law, the writ petitions ought to be entertained on merits.

In Writ Petition No.2190/2016 (*M/s Balaji Ginning Factory vs. Assistant Provident Fund Commissioner, Akola*) an identical challenge has been raised to the order passed under Section 7-A of the said Act without availing the remedy as provided by Section 7-I of the said Act. That challenge was beyond the period of limitation as prescribed for availing the remedy under Section 7-I of the said Act. It

has been held by the said judgment dated 03/09/2019 that merely because an erroneous order has been passed by the Authority which had jurisdiction to pass that order would not be a ground to entertain the writ petition especially when the statutory remedy was not availed of. Considering the similarity of challenges as raised, for reasons assigned in the aforesaid judgment I am not inclined to entertain both these writ petitions.

The writ petitions are accordingly not entertained and thus dismissed. No costs.

JUDGE