

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3484 OF 2020

M/S RISHI FIBRES PVT LTD THROUG ITS DIRECTOR
VERSUS
THE ASSISTANT PROVIDENT FUND COMMISSIONER

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Advocate for the Petitioner : Shri S. S. Vidwauns
Advocate for the Respondent – sole : Shri N. K.
Choudhari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 12th MARCH, 2020

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PER COURT :

1. The Petitioner employer is before this Court in view of the appeal preferred before the P.F. Appellate Tribunal, presently Central Government Industrial Tribunal (CGIT), Nagpur having been dismissed by order dated 22/07/2019.

2. The learned Advocate for the Petitioner submits that a similar matter had appeared before this Court at Aurangabad in *Writ Petition No. 2214/2020* in the matter of *M/s. Mahavir Ginning and Pressing Factory Jalna Through Narendrakumar Kacharulal Abad Vs. The*

Assistant Provident Fund Commissioner The Sub Regional Provident Fund Office, wherein the appeal was similarly dismissed in default by the same CGIT, Nagpur. With the direction to pay 50% of the amount, this Court has quashed the order of DID and has restored the appeal before the CGIT, Nagpur with certain conditions.

3. I have considered the submissions of the learned Advocates for the respective sides. The amount recoverable was about Rs.16,93,061/- as on 31/12/2012, for the period January-2004 to June-2010. The Petitioner has already deposited Rs. 7,00,000/-. Considering the passage of time and if the interest component is added, as was done in the order dated 21/01/2020 in Writ Petition No. 2214/2020, the dismissed matter could be restored with a direction to the Petitioner to deposit 50 % of the assessed amount.

4. The learned Advocate for the APFC, has strenuously opposed this petition and submits that this petition be dismissed. In the alternative, he submits

that the entire amount be directed to be deposited.

5. The record reveals that when the Petitioner preferred the appeal, it had deposited Rs. 7,00,000/-. By a conservative calculation, if the interest component is added, the approximate amount is likely to be about Rs. 20,00,000/-.

6. In view of the above, **this petition is partly allowed**. The order of dismissal in default dated 23/07/2014 is quashed and set aside. Case No.CGIT/NGP/EPFA/120/2017-18, shall stand remitted to the office of the CGIT, Nagpur. The litigating sides shall appear before the CGIT, Nagpur on 27/03/2020 at 11:00 a.m. The petitioner shall deposit Rs. 3,00,000/- (Rupees Three Lakhs only) with the respondent authority at Aurangabad, on or before 24/03/2020, failing which, the CGIT, Nagpur shall dispose off the proceedings on 27/03/2020.

7 If the petitioner remains absent on the date of appearance and the further dates of hearing, the CGIT,

Nagpur would be at liberty to proceed with the matter and pass appropriate orders.

8. After the proceedings are taken up by the CGIT, Nagpur subject to the compliance of the above directions, it shall endeavour to decide the same as expeditiously as possible and in any case, on or before 15/07/2020.

9. Considering the above, the Respondent would not initiate coercive steps against the Petitioner for the recovery of the entire amount assessed.

(RAVINDRA V. GHUGE, J.)

shp/-