

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.883 OF 2020

Sinhgad Technical Education Society ... Petitioner
Versus
The Regional Provident Fund
Commissioner-I
Employees' Provident Fund
Organization ... Respondent

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Mr. V.P. Sawant a/w Mr. Nitin Dhumal for the Petitioner.
Mr. Suresh Kumar a/w Priyanka Tiwari for the Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 30 JANUARY 2020

P.C. :

. This writ petition challenges an order passed by the Employees' Provident Fund Commissioner under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 on 1 January 2020 and further order dated 21 January 2020 issued to Punjab National Bank under Section 8F of that Act. After the matter is heard, learned Counsel for the parties request the court to pass an order without stating reasons. Accordingly, the following order is passed :

- (i) Subject to the Petitioner's depositing with the Respondent-Regional Provident Fund Commissioner a sum of Rs.8.30 crores within a

period of 10 days from today, till such time as the amount is deposited the directions to Punjab National Bank for payment of monies to the Respondent-Commissioner shall be kept in abeyance. Upon deposit of the amount, the impugned directions issued to Punjab National Bank on 21 January 2020 shall stand vacated;

(ii) The Petitioner accepts the order of the Respondent-Commissioner passed on 1 January 2020 under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and shall pay the dues computed in it ;

(iii) The Petitioner shall, however, be entitled to apply to the Respondent-Commissioner for allowing it to pay the dues computed in the order of 1 January 2020 in a staggered manner and over a period of time. The period of time as well as the installments to be ordered shall be within the discretion of the Respondent-Commissioner; such period, however, shall not be less than six months ;

(iv) The Respondent-Commissioner shall, whilst deciding the period and the installments, have regard to the fact the Petitioner has still to receive large dues owed to it by the State Government and the likelihood of those dues being released unto the Petitioner ;

(v) It is made clear that whatever may be the time given and whatever may be the amounts of installments ordered by the Respondent-Commissioner for payment of the dues under the order of 1 January 2020, the Petitioner Shall

continue to pay all prospective dues under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 to the Respondent-Commissioner on their respective due dates and from time to time;

(vi) The Petitioner shall make its application for time and staggered manner of payments of dues under the order of 1 January 2020 to the Respondent-Commissioner within a period of 15 days from today. Upon such application being made, the Respondent-Commissioner shall dispose of the same within a period of three weeks.

2 The writ petition is disposed of in the above terms.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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by Rajesh V.
Chittewan
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