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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10189 OF 2019

M/s. Concept Marine Services Pvt. Ltd.	...Petitioner
vs	
Regional Provident Fund Commissioner	...Respondent
.....	
Mr. Mahesh Shukla, i/b. Mr. Niraj Prajapati, for the Petitioner.	
Mr. Suresh Kumar, for the Respondent.	

.....
CORAM : S.C. GUPTE, J.

DATED: 22 JANUARY, 2020

P.C. :

. Heard learned Counsel for the parties.

2. This writ petition challenges orders passed by the Regional Provident Fund Commissioner-II, Sub-Regional Office, Vashi on 26 August 2015 and 27 August 2015. The controversy concerned condonation of delay on the part of the Petitioner herein in challenging orders passed by the Provident Fund Organization under Sections 7A and 14(b) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 ("Act"), under Section 7-I of the Act. Several judgments delivered by this Court, including a Division Bench judgment, have taken a categorical view that for applying under Section 7-I of the Act, the applicant must come within the statutory period of limitation; there was no authority or power for condoning delay in so applying. There is admittedly a long delay in approaching the competent authority

under Section 7-I of the Act. This petition, in the premises, seeks direct orders from this Court, as a writ court, in challenge from the original orders passed by the Provident Fund Commissioner under Section 7A and 14(b) of the Act, or, in the alternative, condonation of delay in resorting to the remedy under Section 7-I. Under the law settled by this Court, this is clearly impermissible.

3. Learned Counsel for the Petitioner seeks to justify the delay. Once it is found that there is no power or authority in the statutory authority for condoning any delay, there is no question of faulting any order on the ground that there are good and sufficient reasons for condonation of delay. Learned Counsel for the Petitioner, alternatively, submits that the authority has discriminated between different individuals or entities in the matter of relief to be granted in such cases. If that is so, that may be a separate subject of challenge before the Division Bench alleging unlawful discrimination on the part of the Provident Fund Organisation/Authority. It cannot be made subject matter of challenge in the present case, which is in challenge of individual orders on the ground of their legality or propriety.

4. Accordingly, there is no merit in the petition. The petition is dismissed.

(S.C. GUPTE, J.)

Smita
Gonsalves

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