

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION (INSOLVENCY) NO.33 OF 2018
IN
INSOLVENCY PETITION NO.89 OF 2006**

Employees Provident Fund
Commissioner ... Applicant

In the matter between :

Rakesh Jyasukhlal Sanghvi ... Petitioner
Versus

M/s Unique Drums & Container
And Others ... Respondents

Mr. Dalshit Jain a/w Anjali Shah i/b DSK Legal for the Applicant-
Prime Securities Limited.

Ms. Kavita Shah for the Respondent Official Assignee.

A.P. Bagwe for the Petitioning Creditor.

Swapna Gokhale for Income Tax Applicant in Notice of Motion No.35 of 2019

Mr.Suresh Kumar for the Applicant in Notice of Motion No.33 of 2018.

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CORAM : S.C. GUPTE, J.

DATE : 4 FEBRUARY 2020

P.C. :

. This Notice of Motion, taken out by Employees Provident Fund Commissioner, seeks to challenge an order passed by Official Assignee,

rejecting the commissioner's claims under Section 14B and 7Q of the Employees Provident Fund Act. The claims were rejected on the ground that there was no order passed under Sections 14B or 7Q by Provident Fund Commissioner; so that the claims are still not crystallized. It is pointed out by the Applicant/Commissioner that orders have since been passed under Sections 14B and 7Q and that the claims can now be taken up for adjudication. The Notice of Motion is accordingly allowed by quashing and setting aside the impugned order of the Official Assignee to the extent the balance claim of Applicant Commissioner was rejected by Official Assignee and directing the Official Assignee to re-adjudicate the Applicant Commissioner's claims under Sections 14B and 7Q of the Employees Provident Fund Act. The Notice of Motion is disposed of accordingly.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

Digitally signed by
Rajesh V. Chittewan
Date: 2020.02.14
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