

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.28/2020

AND

WRIT PETITION NO.4650/2016

Municipal Council, Pandharkawda

..V/s..

Assistant Provident Fund Commissioner, Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Smt. S.W. Deshpande, Advocate for the petitioner.
Shri H.N. Verma, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] By the civil application, the respondent department intends to produce the copy of the order dated 16-17 March, 2015 passed under Section 7(A) of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 and a copy of the postal acknowledgment dated 23.3.2015 by which the petitioner was served with the copy of the order.

2] Considering the above, the civil application is partly allowed since the copy of the order is already placed on record in the writ petition at page No.24. Consequently, the acknowledgment receipt shall be taken on record in this petition at page No.66.

3] With the consent of the parties, I have considered the petition. With their assistance, I have

gone through the record available.

4] The issue is whether the review petition filed by the petitioner was within limitation. Going by the acknowledgment receipt placed before the Court today, the order under Section 7(A) dated 16-17 March, 2015 can be said to be served on the petitioner and the review petition may, therefore, be beyond limitation. However, I proposed to the parties that instead of spending further time on the issue as to whether the review was filed within limitation, in March, 2016, the petitioner could as well file an appeal under Section 7(I) before the Appellate Tribunal and the time spent by the petitioner in this Court can be considered as a ground for condonation of delay.

5] The learned Advocate for the petitioner submits that the challenge is to the order under Section 7A and an appeal as the statutory remedy under Section 7(I), is available.

6] Considering the above, this petition is **disposed off.**

7] The petitioner is at liberty to prefer an appeal under Section 7(I) and the relevant provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952, within a period of four weeks from today. Needless to state that, the time spent by the

petitioner in this Court from 5.8.2016 until four weeks from today, would be a good ground for seeking condonation of delay. All the contentions of the parties with reference to the order under Section 7(A) in the appeal to be filed by the petitioner, are kept open.

(RAVINDRA V. GHUGE, J.)

Tambaskar.