

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

WRIT PETITION NO. 6452 OF 2016

M/s. Nagpur Municipal Corporation, Nagpur
Through Shri. Anand s/o Govindrao Shende

vs.

The Regional Provident Funds Commissioner-II, Nagpur

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

Court's or Judge's orders

Shri. S. N. Bhattad, counsel for petitioner.
Shri. R. S. Sundaram, counsel for respondent.

CORAM : MANISH PITALE J.

DATED : 20/01/2020

By this writ petition, the petitioner Municipal Corporation has challenged order dated 23/08/2016, passed by the respondent levying interest under Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. It is stated on behalf of the petitioner Corporation that the amount levied was already paid. The learned counsel for the petitioner Corporation submits that against the order passed under Section 7A of the aforesaid Act the petitioner has filed an Appeal bearing ATA No. 982(9)/2016, which is pending before the Appellate Tribunal and an Appeal bearing ATA No. 944(9)/2016, challenging the order under Section 14B of the said Act is also pending before the Appellate Tribunal.

3. The learned counsel for the petitioner Corporation further submits that the present writ petition could be disposed of if the contention of the petitioner is kept open as regards its right to have the amount towards interest recalculated depending upon the fate of the two appeals and for agitating the question as to whether damages and interest both could be levied on the petitioner Corporation. Although this request is opposed by the learned counsel appearing for the respondent, this Court is of the opinion that such an observation can be granted while disposing of the present writ petition.

4. In view of the above, the present writ petition is disposed of by keeping open the contention raised on behalf of the petitioner Corporation that depending upon the fate of the aforesaid two appeals pending before the Appellate Tribunal, it would be open for the petitioner Corporation to raise the question, as to whether both damages as well as interest could be levied against it and as to whether the petitioner Corporation has a right to have the quantum of interest recalculated depending upon the disposal of the aforesaid appeals by the Appellate Tribunal.

5. Writ Petition is disposed of in above terms.

JUDGE