

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

WRIT PETITION NO.7521/2017

M/s Aradhya Infratech Pvt. Ltd.

..V/s..

The Recovery officer, office of Regional Provident Fund Commissioner, Nagpur

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

Court's or Judge's orders

Shri A.J. Pathak, Advocate for the petitioner.
Shri A.R. Prasad, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 23.1.2020.

1] I have heard the extensive submissions of the learned Advocates for the petitioner and the learned Advocate appearing on behalf of the provident fund department. With their assistance, I have gone through the petition paper book and the show cause notice issued to the petitioner as to why a warrant of arrest should not be issued.

2] Considering the order that I intend to pass, with the consensus of the parties, I need not advert to the entire submissions of the learned Advocates. The learned Advocates submit that the amount of interest and damages recoverable from the petitioner is now to be considered after hearing the petitioners.

3] It is informed that the amount of interest and damages recoverable from the petitioner on the date of

the filing of the petition was Rs.2,33,007/- and Rs.40,000/- was deposited by the petitioner in this Court on 11.2.2017. Interest of about Rs.5,000/- may have accrued on the said amount.

4] In view of the above, this petition is partly allowed and the impugned show cause notice is set aside on the following conditions:-

(a) The Provident Fund Authorities shall withdraw the amount of Rs.40,000/- with accrued interest from this Court and the same shall be subject to the final order to be passed on interest and damages. In short, it would be adjusted with the amount that would be mentioned in the final order.

(b) The petitioner shall deposit an amount of Rs.1,25,000/- with the respondent provident fund office on or before 21.2.2020, failing which the provident fund authorities would proceed to initiate action against the petitioner in pursuance to the notice dated 7.11.2017.

(c) After the petitioner deposits the said amount, the same shall be adjusted against the interest and damages and would be subject to the final order to be passed.

(d) The petitioner would appear before the respondent provident fund office on 21.2.2020 at 12 noon, through an authorized representative.

(e) The provident fund Authorities shall give a copy of the proceedings and the record relied upon, to the petitioner subject to payment of requisite charges, on or before 6.3.2020.

(f) Thereafter, the petitioner would be at liberty to enter a written statement and after the hearing is complete, the respondent shall pass its order under Section 7B and 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 on or before 15.4.2020.

(g) In the event the petitioner is aggrieved by the said order, it would first deposit the amount with the provident fund Authorities and then challenge the same.

(RAVINDRA V. GHUGE, J.)

Tambaskar.