

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 WRIT PETITION NO.4027 OF 2021

M/S CHATE TUTORIALS PVT LTD THR ITS AUTHORISED
PERSON ABHIMANYU SOPAN SHELKE ..PETITIONER

VERSUS

THE REGIONAL PROVIDENT FUND COMMISSIONER AURANGABAD
REGION AND ANOTHER..RESPONDENTS

...
Mr. Vitthal M. Chate, Advocate for the Petitioner.
Mr. N. K. Chaudhari, Advocate for Respondent No.1.
...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 02nd MARCH, 2021.

PER COURT:-

1. Mr. Chate, learned counsel for the petitioner submits that the petitioner is not disputing the liability to make the payment of an amount claimed by the respondents. Because of Covid-19 pandemic, the revenue could not be generated, as such the same could not be paid. The petitioner is only seeking installments. The respondent no.1 has filed affidavit. The paragraph no.9 of the affidavit reads thus:

"In reply to Para Nos.11 and 12 of the Writ Petition, I say and submit that, the petitioner establishment may apply/submit a proposal in the prescribed format to the Competent Authority for availing the installment facility for discharging the statutory burden of remitting the amount of

interest and damages in full. Without prejudice to the foregoing contention(s), I say and submit that, insofar as, the challenge to the order levying the amount of damages is concerned, the reason(s) being assigned for the non-compliance thereof in the said para is/are totally irrelevant and the petitioner establishment has the alternative efficacious remedy available in law as pointed out in Para No.4 of this affidavit-in-reply hereinabove. I say and submit that, in view of the foregoing peculiar facts and circumstances of the case, the contention of the petitioner establishment *inter alia* to the effect that, the Prohibitory order dtd.12/02/2021 issued by the answering Respondent is liable to be quashed and set-aside, is totally misconceived and untenable and hence, the same is liable to be outrightly rejected."

2. Mr. Chaudhari, learned counsel for respondent no.1 submits that the petitioner if gives proposal to respondent no.1, the respondent no.1 would consider the request of the petitioner on its own merits.

3. Mr. Chate, learned counsel submits that the petitioner would give representation immediately and respondent no.1 be directed to decide the same within one week.

4. Mr. Choudhari, learned counsel submits that respondent no.1 would take decision upon the request of the petitioner within two weeks.

5. In view of the above, the petitioner may give proposal to respondent no.1 for payment of the amount in installments. The respondent no.1 shall

take decision upon the request made by the petitioner within a period of two weeks from the date of receipt of the proposal.

6. With these observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/March-2021