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

927 CRIMINAL WRIT PETITION NO.1228 OF 2019

**SAYYAD MOHIUDDIN AHMADSAB
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr G. L. Deshpande, Advocate for petitioner;
Mr S. J. Salgare, A.P.P. for respondent Nos.1, 6 & 7;
Mr I. D. Maniyar, Advocate for respondent Nos.2 & 3;
Mr N. K. Choudhari, Advocate for respondent No.4;
Mr U. B. Deshmukh, Advocate for respondent No.8 & 9

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 31st March, 2021

PER COURT:

1. We have considered the submissions of the learned Advocate for the petitioner and the learned Advocates on behalf of the respondents.
2. The learned Advocate for the P.F. Department and the learned Advocate on behalf of respondent Nos.2 and 3 submit that an outstanding P.F. contribution amount of Rs.59,16,289/- has been deposited by respondent Nos.2 and 3 – Degloor Municipal Council. Shri. Maniyar, learned Advocate representing the said Municipal Council submits on instructions, that the short fall in depositing P.F. outstanding contribution to the extent of Rs.3,400/- has also been made good on 23/01/2020. The said amount was due for the period from April 2013 till October 2019.

3. While considering this petition, we questioned the learned Advocate for the petitioner as regards the bona fides of the petitioner in filing this petition, for the reason that the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (E.P.F. and M.P. Act) is a self contained Code and the P.F. authorities are adequately empowered to ensure recovery of unpaid P.F. contributions, interest and damages thereon, inasmuch as, that if an employer does not deposit the P.F. outstanding amount, the P.F. authorities can freeze the bank accounts, can recover the amount from such bank accounts and can also arrest the responsible officer, for the recovery of the said amount. The learned Advocate for the petitioner frankly submits that he is not personally involved in this matter. His son was a contract labourer and as his P.F. dues were not paid, he has approached this Court.

4. We, in the light of the E.P.F. and M.P. Act, 1952, have no hesitation in concluding that the petitioner does not have the locus to file this petition since he is neither an employee, nor has he been authorised by any of the beneficiaries under the E.P.F. and M.P. Act to ventilate their grievances or litigate on their behalf. Notwithstanding the above, since the amounts due have been deposited, this petition need not be kept pending.

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5. At the same time, we find it appropriate to note that the P.F. authorities would be within their jurisdiction in exercising their powers under Section 14B and Section 7Q of the E.P.F. and M.P. Act for recovery of interest and damages from the Municipal Council for the period April 2013 to October 2019. We also find it appropriate to note that those beneficiaries of the P.F. contributions, who are yet to receive their shares, would be at liberty to approach the P.F. authorities for quantifying their shares and for withdrawal and such claims shall be dealt with by the P.F. authorities strictly as per the scheme enunciated under the E.P.F. and M.P. Act, 1952.

6. In the event, the P.F. authorities are of the view that some amount of the P.F. contributions for the period April 2013 to October 2019 is still due from the Municipal Council, they shall intimate the Municipal Council about the said deficit amount and the Municipal Council shall deposit the said amount within two weeks from the receipt of said notice. Needless to state that the Municipal Council shall tender it's detailed Challan for the entire period from April 2013 to October 2019, if not already filed, to the P.F. authorities.

7. With the above observations, this petition is disposed off.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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