

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

920 WRIT PETITION NO.11110 OF 2021

EXIDE INDUSTRIES LIMITED,
THROUGH ITS AUTHORIZED REPRESENTATIVE
ARVIND SUBHASH KULKARNI
VERSUS
UNION OF INDIA, THROUGH THE EMPLOYEES' PROVIDENT
FUND ORGANIZATION AND OTHERS

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Advocate for Petitioner : Mr. Pratik P. Kothari.

Advocate for Respondent No.4 : Mr. Nitin K. Chaudhari.

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CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 06th October, 2021.

PER COURT :

. *Prima-facie*, we are not inclined to entertain the writ petition. The petitioner is issued with the summons under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the "EPF Act"). The petitioner is at liberty to file say and produce evidence in the proceedings under Section 7A of the EPF Act and if the order is passed under Section 7A adverse to the interest of the petitioner, the petitioner has a remedy to challenge the said order before the Tribunal and/or file application under Section 7B of the EPF Act.

available in proceedings under Section 7A of the EPF Act initiated pursuant to the impugned summons. The petitioner is also assailing the letters dated 4th September, 2018 issued by the Regional PF Commissioner-I (Compliance-I) to the Secretary, Ministry of Labour and Employment, Government of India and another letter issued by the Additional Central PF Commissioner – HQ (Compliance) addressed to the Additional Central PF Commissioner, Zone Office, Pune, wherein directions appear to be given to treat the trainees under NEEM Scheme as employees unless the EPF Act is amended.

3 The said letters are the internal communications between the authorities. The same certainly would not bind the competent authority deciding the proceedings. The competent authority has to decide the proceedings considering the provisions of law, Rules and Regulations in force and if the contentions of the petitioner are not accepted and orders are passed under Section 7A of the EPF Act, the petitioner certainly has a remedy available against the same.

4 In case the contention of the petitioner is not accepted, then the petitioner can always assail the communications as may be permissible under law.

5 The petition, at this stage, would be premature as there is

no adjudication under Section 7A of the EPF Act and unless an adjudication takes place under Section 7A, no question arises of coercive steps being taken by the authority.

6 With these observations, the writ petition is disposed of.

No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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