

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

54 WRIT PETITION NO.11781 OF 2021

SHRI KRANTI SUGAR AND POWER LTD. THROUGH ITS CHAIRMAN
AND MANAGING DIRECTOR, DNYANESH VIDHURAJI NAWALE
VERSUS
THE UNION OF INDIA AND ANOTHER

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Advocate for Petitioners : Mr. Abasaheb D. Shinde.

Advocate for Respondent No.1 : Mr. Ajay G. Talhar.

Advocate for Respondent No.2 : Mr. Nitin K. Chaudhari.

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

DATE : 25th October, 2021.

PER COURT:

. Mr. Shinde, learned counsel submits that the petitioner had filed appeal before the Tribunal against the order of the Provident Fund Department. The Tribunal at Delhi had granted stay. Subsequently, the said appeal was transferred to Mumbai. At Mumbai, the Advocate of petitioner did not remain present. As such the matter was dismissed for default.

2 The petitioner has filed an application for restoration. In the said application, notices are also issued and the matter is kept on 23rd November, 2021. The respondents have now, during the pendency of the same, issued demand notice.

3 Mr. Chaudhari, learned counsel for respondent No.2 submits that the matter was heard on 22nd October, 2021 and the petitioner is directed to deposit the amount of interest, which comes to Rs.2,98,40,523/- and now the matter is kept on 6th December, 2021.

4 Mr. Shinde, learned counsel for petitioner submits that he is instructed by the petitioner that the matter is kept on 23rd November, 2021 and no orders directing payment of interest amount is passed.

5 The matter is now pending before the Appellate Authority. If the Appellate Authority has passed some orders in the matter pending before it between the parties, then certainly the said order would be operative and would be binding on the parties.

6 Subject to the order passed by the Appellate Authority, the respondents may not take coercive steps till the decision on the application filed by the petitioner for restoration of appeal. The petitioner shall cooperate in expeditious disposal of the said application for restoration. If the petitioner seeks adjournment, then the petitioner would not be entitled for protection and the respondents would be permitted to take further steps.

7 The writ petition is disposed of. No costs.

nga [R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]