

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 127 OF 2021
IN
WRIT PETITION NO. 883 OF 2020**

Sinhgad Technical Education Society ..Applicant/Petitioner
VS.

The Regional Provident Fund Commissioner-I .. Respondent

Mr. Aashutosh Srivastava for Applicant/Petitioner.
Mr. Suresh Kumar for Respondent No.1.

CORAM : M.S.KARNIK, J.

DATE : FEBRUARY 9, 2021

P.C.:-

Not on board. Taken on board.

2. Heard learned counsel for the Applicant/Petitioner.

3. This is an Application filed for extension of time at least one year to comply with the order dated 30.01.2020 passed by this Court at page 15 of the Application. It is the contention of learned counsel for the Petitioner that in terms of clause (1) of the order dated 30.01.2020 an amount of Rs.8.30 Crores was in fact paid. However, in respect of the balance payment due to the Covid Pandemic the Petitioner could not abide by the other

clauses of the order and effect the payment. Learned counsel therefore prayed for extension of time.

4. The application for extension of time is opposed by Shri Suresh Kumar, learned counsel appearing on behalf of Provident Fund Authorities. In his submission once the order has been passed by this Court on 30.01.2020 the same has to be duly complied with. In his submission except the payment of Rs.8.30 Crores the Petitioner has not complied with major part of the order. He submits that an amount of approximately Rs.49.79 Crores was to be recovered as on 30.01.2020 and substantial sum of amount remains to be paid. He therefore submits that the prohibitory order issued on 01.01.2021 needs no interference as the Petitioner is yet to pay a sum of Rs.43,06,16,554/- stipulated in the prohibitory order.

5. Only by way of indulgence and considering that the Petitioner is an Educational Institution, I am inclined to extend the time. The applicant/Petitioner in para 3 has given an undertaking to deposit a sum of Rs.4 Crores within a period of two weeks after the bank accounts of the Petitioner Institution/Organization are de-freezed by the Respondent Department. Further undertaking is reflected in para 4. The

undertaking dated 08.02.2021 on behalf of the Applicant/Petitioner duly affirmed by Shri Maruti Nivrutti Navale, Founder-President of the Petitioner institute is accepted. The undertaking is taken on record and marked as Exhibit 'X'.

6. It is made clear that the Petitioner shall strictly abide by the undertaking and will not commit any default. In the event there being a default the Respondent Department is free to initiate further steps for recovery. The Respondent Department is directed to de-freeze the bank accounts of the Applicant/Petitioner in view of the undertaking. Needless to mention that the Petitioner will not claim any equity on the basis of the extension of time granted.

7. The Application is disposed of.

(M.S.KARNIK, J.)