

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

***INTERIM APPLICATION NO.998 OF 2021
IN
WRIT PETITION NO.7938 OF 2021
WITH
WRIT PETITION NO. 3346 OF 2009
(Not on board, taken on board)***

General Mills India Private Limited and Ors. ...Applicants

IN THE MATTER BETWEEN

General Mills India Private Limited and Ors. ...Petitioners

Versus

Regional Provident Fund Commissioner, Thane and Ors. ...Respondents

Mr. Sanjoy Ghose, Senior Advocate a/w Mrs. N. R. Patankar and Mr. Jeevan B. Panda i/b Ms. Tanaya Patankar, for the Applicants.

Mr. Suresh Kumar a/w Ms. Mohini Chougule, for the Respondent.

***CORAM : G. S. KULKARNI, J.
DATED : 24th NOVEMBER, 2021.***

P.C. :

1. Heard Mr. Ghose, learned senior counsel for the applicants (original petitioners) and Mr. Suresh Kumar, learned counsel for the respondent-Regional Provident Fund Commissioner.
2. At the outset, it needs to be observed that there are two Writ Petitions

between the parties which are pending adjudication, namely, Writ Petition No.3346 of 2009 and Writ Petition No.7938 of 2021. The cause of action in both these petitions is quite similar and concerns the applicant's claim to seek an exemption under the provisions of Section 17 of Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the said Act'). It is the case of the respondents that such application of the applicants for exemption has been rejected by the respondents by an order dated 4 February, 2011. From the record, it appears that in the intervening period, there were Section 7A proceedings initiated by the respondents against the petitioners. There are interim orders passed by this Court by which a protection has been granted to the petitioner on such orders passed by the respondents.

3. Be that as it may, the concern of the applicants/petitioners today is in regard to those employees who have left their employment and have joined other employers. The question is with regard to the Provident Fund dues which the applicants are holding qua such employees under the fund maintained by it. The applicants contention as raised in the present application is to the effect, that a serious prejudice is being caused to such

employees qua the EPF amounts payable to them, as the applicants are not in a position to deposit the EPF amounts for such employees with the respondents. It is hence contended that the applicants/petitioners be permitted to deposit accumulated amounts as lying in the funds of the applicants qua such employees with the respondent. In these circumstances following prayers are made in the present application:-

- “a) be pleased to direct the Respondents to allow online transfer of PF Accumulation of the employees who have left and/or will leave the employment of the Applicant No.1 Company to EPFO or the PF Trust, if any, of their new employer/s, as the case may be.*
- b) be pleased to direct the Respondents to allow the Applicants to online login to EPFO Online Portal (Employer Login) in case of the employees who have joined the Applicant No.1 Company.”*

4. After hearing the learned counsel for the parties and after perusing the record and various orders passed by this Court on the proceedings in both the writ petitions, in my opinion, till the issues as involved in the petitions are decided, no prejudice will be caused to the respondents, if an arrangement of deposit of the EPF dues in regard to the category of employees, who have left the employment of the applicants/petitioners are permitted to be deposited with the respondents till the petition is decided.

5. In these circumstances, this application would be required to be allowed. It is accordingly allowed in terms of prayer clauses (a) and (b).
6. Interim Application is disposed of in the above terms. No costs.
7. At this stage, learned counsel for the parties inform that there is a likelihood that the issues can be resolved. If that be the case, place the petition '**for Directions**' on 15th December 2021 at 2:30 p.m.

(G. S. KULKARNI, J.)

RAJU
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GAIKWAD

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