

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 2725 OF 2019
IN
WRIT PETITION NO. 4800 OF 2013

Janta Sahakari Bank Ltd., through its Chief Executive Officer, Amravati
...Versus...
Assistant Provident Fund Commissioner, Employees Provident Fund Organization,
Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Sadavarte, Advocate for petitioner
Shri H.N. Verma, Advocate for respondent

CORAM : N.B.SURYAWANSHI, J.
DATE : 12/10/2021

This application is filed seeking disposal of the Writ Petition in terms of the orders passed in Writ Petition No. 5154/2016 and connected matters by the co-ordinate Bench of this Court.

2. It is not disputed that similar points and challenges were raised in Writ Petition No. 5154/2016. The said Writ petition and the connected matters were disposed of by this Court by a detailed order, thereby partly allowing the petitions filed by the respective banks and by quashing and setting aside the orders passed by the Assistant Provident Fund Commissioner, Nagpur. The matters were remanded back to the said authority for fresh consideration under Section 7-A of the Employees'

Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred as 'the Act of 1952'), as per the parameters laid down by the Division Bench of this Court in the case of *Pachora Peoples' Co-op. Bank Ltd. Vs. Employees Provident Fund Organization*, 2014 (4) Mh.L.J. 436 and 2017 (2) Mh.L.J. 946.

3. Since the present matter is squarely covered by the above decision, the writ petition is partly allowed. The impugned order passed by the respondent dated 29/01/2010 (Annexure – 12), is hereby quashed and set aside. The matter is remanded back to the respondent for fresh inquiry under Section 7-A of the Act of 1952, as per the orders passed by the Division Bench in *Pachora Peoples Co-op. Bank Ltd. vs. Employees Provident Fund Organization* (supra) within eight weeks from the receipt of this order.

4. The amount, if any, recovered from the petitioner on the basis of impugned order, shall be refunded within a period of eight weeks from today.

5. Civil application stands disposed of.

JUDGE