IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.2798 OF 2022

JALGAON CITY MUNICIPAL CORPORATION ORGL. THR ITS CHIEF ACCOUNTS OFFICER
VERSUS
THE REGIONAL PROVIDENT FUND COMMISSIONER -II AND ANOTHER
WITH
904 WRIT PETITION NO.2799 OF 2022

JALGAON CITY MUNICIPAL CORPORATION ORG. THR ITS CHIEF ACCOUNTS OFFICER
VERSUS
THE REGIONAL PROVIDENT FUND COMMISSIONER -II AND ANOTHER

Mr. V. N. Upadhye, Advocate for the petitioner,
Mr. N. K. Chaudhari, Advocate for the respondents.

CORAM : RAVINDRA V. GHUGE, J.
DATE : 25th March, 2022

ORDER:

1. In both these petitions, the petitioner Jalgaon City Municipal Corporation is aggrieved by an interlocutory order passed by the Central Government Industrial Tribunal (CGIT) Nagpur (P.F. Appellate Tribunal) under section 7-O of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2. In the first case, the amount assessed under section 7-A enquiry is Rs.51,33,627/- for the period 04/2016 to 08/2016. The petitioner has deposited Rs.15,06,815/- out of the said amount.

3. In the second petition, the amount assessed under section 7-A enquiry is Rs.6,24,93,189/- for the period 01/2011 to 03/2016. In this matter the petitioner has deposited Rs.29,04,317/-.

4. There is no dispute that the petitioner was brought under the coverage of the Act by order dated 08.01.2011 in view of the gazette notification.

5. After considering the strenuous submissions of learned Advocates for the respective sides and considering that the Municipal Corporation does have a financial crunch, I expressed a view in the hearing conducted on 24.03.2012 that the petitioner should deposit 50% of the amount in the first petition and should deposit Rs.2 crores in the second petition which will be equivalent to 1/3rd of the total amount.

6. The learned Advocate for the petitioner, with an overnight pass over, has taken instructions that the Corporation would deposit the said amount provided, the amount that is already paid be adjusted in these deposits.

7. It is settled by this Court at the Principal Seat by order dated 22.02.2022 in the matter of Kulgaon Badlapur Nagar Parishad Vs. The Regional Provident Fund Commissioner-II, Thane (Writ Petition No.4973 of 2021 with connected writ petitions) that once an amount, as directed by the appellate tribunal under section 7-O, is to be

deposited, the assessee has to be protected against coercive action during the pendency of the appeal.

8. In view of the above, the petitioner shall deposit an amount of Rs.11 lakhs with the P.F. Authorities in relation to the appeal with regard to assessment period 04/201 to 08/201.

9. In the second petition, the petitioner shall deposit an amount of Rs.1.80 crores with the P.F. Authorities in relation to the appeal in connection with the assessment period 01/2011 to 03/2016.

10. The petitioner is granted six weeks time to deposit the above stated amount.

11. Hence, both these petitions are partly allowed and the impugned directions under section 7-O stand modified accordingly.

12. Needless to state, the petitioner would be protected against further coercive action until the two appeals before the CGIT, Nagpur are decided.

13. It is expected that as soon as the post of Presiding Officer, C.G.I.T is filled in, these proceedings shall be decided by the CGIT within a period of six months.

(RAVINDRA V. GHUGE, J.)

JPC