

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3556 OF 2022

M/S DNYANESHWAR SAHAKARI SAKHAR KARKHANA LTD THROUGH
ITS MANAGING DIRECTOR
VERSUS
THE EMPLOYEES PROVIDENT FUNDS ORGANIZATION REPRESENTED
THROUGH RPFC

Mr.VN.Upadhye, Advocate for the petitioner.
Mr.N.K.Choudhary, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE , J.)

DATE : MARCH 15, 2022

PER COURT :

1. I have considered the submissions of the learned Advocates for the respective sides. The petitioner is aggrieved by the order dated 03.03.2022 passed under Section 8-F of the E.PF. And M.PAct, 1952, by which the bank account of the petitioner sugar factory has been frozen for recovery of an amount of Rs.32,78,876/-, assessed as damages u/s 14-B and towards interest u/s 7-Q of the Act.

2. The learned Advocate for the petitioner fairly submits that the CGIT-1 at Mumbai has been directing the appellants who prefer an

appeal u/s 7-O, to deposit approximately 20% of the assessed amount u/s 14-B.

3. I find that as the assessment under Section 14-B and 7-Q is purely arithmetical and an amount of Rs.32,78,876/- is to be recovered, the petitioner shall deposit an amount of Rs.10,00,000/- with the respondent herein and on the basis of the same, the petitioner can be protected till a Presiding Officer is appointed with the C.G.I.T.-1.

4. Considering the above, with the deposit of Rs.10,00,000/-, the petitioner can be protected till the CGIT decides its appeal.

5. In view of the above, this petition is disposed off with the following directions :-

[a] The petitioner shall deposit an amount of Rs.10,00,000/- with the sole respondent within a period of 4 (four) weeks.

[b] The impugned order dated 03.03.2022 shall stand set aside immediately after the above stated amount is deposited.

[c] The respondent would not withdraw the entire amount from the bank account of the petitioner in view of the above.

[d] The CGIT-1 shall decide the appeal preferred by the petitioner dated 09.11.2021 within 4 months from the date of appearance of the parties in the matter, obviously after the Presiding Officer takes charge of the CGIT-1.

[e] Needless to state, the petitioner would be protected from coercive steps in view of the above till the CGIT decides the appeal.

(RAVINDRA V. GHUGE, J.)