

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 WRIT PETITION NO.3857 OF 2022

M/S GANESH SAHAKARI KARKHANA LTD.

VERSUS

THE EMPLOYEES PROVIDENT FUNDS ORGANIZATION

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Advocate for Petitioner : Mr. U. N. Upadhye

Advocate for Respondent : Mr. N. K. Chaudhari

CORAM : RAVINDRA V. GHUGE, J.

DATE : 25th March, 2022

ORDER:

1. I have considered the submissions of the learned Advocates for the respective sides.

2. The petitioner is aggrieved by the order dated 12/14.10.2021 passed under Section 8-F of the E.P.F. And M.P.Act, 1952, by which the bank account of the petitioner sugar factory has been frozen for recovery of an amount of Rs.57,67,445/- (Rs.38,70,410/- + 18,97,035/-) assessed as damages u/s 14-B and towards interest u/s 7-Q of the Act.

3. 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.

4. I find that as the assessment under Section 14- B and 7-Q is purely arithmetical and an amount of Rs.57,67,445/- is to be recovered, the petitioner shall deposit an amount of Rs. 17,30,230/- (Rupees

seventeen lakhs thirty thousand two hundred thirty only) 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.

5. Considering the above, with the deposit of Rs. 17,30,230/- (Rupees seventeen lakhs thirty thousand two hundred thirty only), the petitioner can be protected till the CGIT decides its appeal.

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

- [a] The petitioner shall deposit an amount of Rs. 17,30,230/- (Rupees seventeen lakhs thirty thousand two hundred thirty only) with the sole respondent within a period of 4 (four) weeks.
- [b] The impugned order dated 12/14.10.2021 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 29.11.2021 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.)