

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4444 OF 2022

M/S SWEET HOME GARDEN RESTAURANT THROUGH ITS PROPRIETOR
DHANESH CHAGANLAL BHOGAWAT

VERSUS

REGIONAL PROVIDENT FUND COMMISSIONER II DAMAGES AND
ANOTHER

...

Advocate for Petitioner : Mr. Barde Parag Vijay
Advocate for Respondent Nos. 1 and 2 : Mr. Chaudhari

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th APRIL, 2022.

P.C.

Heard. Learned Advocate for the Petitioner and Learned Advocate for the Respondents.

1. The Petitioner is directed to pay damages of Rs. 24,70,403/- under Section 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the said Act'). The Petitioner has challenged the said order by approaching the Central Government Industrial Tribunal No.1, at Mumbai. Presently, there is

no Presiding Officer available at the said Tribunal.

2. The learned Advocate for the Petitioner submits that since the Petitioner has already complied with order of 7A and 7Q and has deposited the amount, the Petitioner may be granted relief by allowing the Petitioner to deposit 25% amount.

3. Per-contra, learned Advocate for the Respondents strenuously opposed the said prayer contending that the Petitioner has already sold its establishment and it would be difficult for the Respondents to recover the amount of damages, in case the appeal filed by Petitioner fails. He, therefore, submits that the Petitioner be directed to deposit 50% of amount of damages.

4. Taking into consideration the rival submissions and the earlier orders passed by this Court and fact that the Petitioner has already sold out its establishment, the following order is passed:

ORDER

a. The Petitioner is directed to deposit 25% amount of the damages and to furnish security/surety for remaining 25% amount

with the Respondents within four weeks from today.

b. After the Presiding Officer takes charge of the Central Government Industrial Tribunal No.1, the appeal preferred by the Petitioner shall be decided within a period of four months thereafter, after giving of an opportunity of hearing to Petitioner and Respondents.

c. Till then, no coercive steps shall be taken against the Petitioner for recovery of the amount.

5. With these directions, Writ Petition is disposed of.

[NITIN B. SURYAWANSHI, J.]