

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
953 WRIT PETITION NO.6030 OF 2022

M/S JALNA SIDDHIVINAYAK ALLOYS PVT LTD
VERSUS
EMPLOYEES PROVIDENT FUND ORGANIZATION AND ANOTHER

Mr. B. R. Kaware, Advocate for the petitioner
Mr. Swapnil Joshi, Advocate for respondent Nos. 1 and 2

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATE : 15th June, 2022

P. C.

1. Office to accept the vakalatnama on behalf of respondent
Nos. 1 and 2.

2. The petitioner has putforth prayer clauses 'b' and 'c' as
under:-

“(b) Issue writ of mandamus or any other appropriate writ
or directions or writ of mandamus in like nature and quash
and set aside the order passed U/s. 14 B and 7 Q of the Act
dated 05-12-2019 and further recovery certificate No. 4125
dated 12-05-2020 and prohibitory order No. MH/RO/AUR/

81196/Dam/2022/198 dated 30-05-2022.

(c) Pending hearing and final disposal of the petition the Recovery certificate No. 4125 dated 12-05-2020 and prohibitory order No. MH/RO/AUR/81196/Dam/2022/198 dated 30-05-2022 the respondent No. 1 and 2 may be stayed.”

3. It is contended that as the EPF Appellate Tribunal is not available at Mumbai or Nagpur, the petitioner has preferred an appeal under Section 7-I of the EPF & MP Act, 1952 and on account of the absence of the Presiding Officer, that this petition has been filed. It is further stated that the appeal as well as this petition is restricted only to S. 7-Q and S. 14-B liability. The entire S. 7-Q liability has been deposited by the petitioner with the respondents. S. 14-B liability under the EPF and MP Act is approximatly Rs. 21,78,230/- as on 31-10-2019.

4. The learned Advocate for the respondents submits that as the appeal of the petitioner is pending before the appellate forum, which would be taken up for adjudication as soon as the appellate forum is

available, this court may pass an appropriate order to balance the equities as recovery of around Rs. 22 lakhs as in December, 2019 is the subject matter of the petition and by granting protection on certain conditions, this petition can be disposed off.

5. We are of the view that as the appeal has already been preferred by the petitioner at Nagpur and considering that with the passage of two and half years, the recovery amount must have reached around Rs.25 lakhs as on date, we direct the petitioner to deposit the amount of Rs.15 lakhs with the respondent office at Aurangabad on or before 15-07-2022 as a condition for protecting the petitioner against coercive action. The respondent shall be refrained from initiating coercive steps for the recovery of the remainder amount, until the tribunal decides the appeal preferred by the petitioner.

6. As and when the tribunal becomes functional, we expect, the tribunal to decide the appeal of the petitioner within six months from the date of issuance of notice.

7. With the directions as above, the petition stands disposed off accordingly.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

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