

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

WRIT PETITION NO.6899 OF 2022

M/S SAI ANAND NAGARI SAHAKARI PATSANSTHA MARYADIT THROUGH
ITS MANAGER SANJAY DATTATRAYA NIMSE
VERSUS
THE ASSISTANT PROVIDENT COMMISSIONER COMPLIANCE

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Advocate for Petitioners : Mr. V.P. Golewar h/f A.R. Joshi
Advocate for Respondents : Mr. K.B. Choudhari

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CORAM : MANGESH S. PATIL, J.

DATE : 05.07.2022

PER COURT :

Heard the learned advocate for the petitioner as also the learned advocate Mr. Choudhari for the sole respondent. The petitioner establishment is before this Court due to nonavailability of the Central Government Industrial Tribunal, Mumbai (herein after 'the CGIT') before which it has preferred statutory appeal against the order passed by the respondent under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2. The petitioner is aggrieved by the fact that due to nonavailability of the Member of the Tribunal, its functioning has come to a stand still. Its statutory appeal is awaiting hearing. It is not being able to solicit any interim relief.

3. The learned advocate for the respondent submits that it is a matter of fact that the CGIT is not functioning right now. He further submit

that in view of the mandates of Section 7-O read with Section 7-I the petitioner will have to deposit 75% of the amount demanded by the respondent as a condition for having an interim relief.

4. It is also submitted by the learned advocate for the respondent that no sooner the amount is deposited it is transmitted in the account of the individual beneficiaries.

5. Considering all the aforementioned facts and circumstances, the order under challenge before the CJIT shall stand stayed subject to the petitioner's depositing 50% of the amount with the respondent which shall be subject to the final outcome of the appeal before the CGIT. However, the respondent shall transmit sums in the individual accounts of the beneficiaries subject to the beneficiaries furnishing an undertaking before the respondent in usual terms, to bring back the money in case so ordered in future. On such deposit being made, the respondent shall release the amount in following accounts:

1. Account No. 200360161000012
Kopargaon Peoples Coop. Bank Ltd. Branch Shirdi,
 2. Account No.0682102000003537
IDBI Bank Branch Shirdi
6. The Writ Petition is disposed of.

(MANGESH S. PATIL, J.)