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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9624 OF 2022

M/s Sanghvi Foods Pvt. Ltd.,

PETITIONER

VERSUS

The Assistant Provident Fund Commissioner

RESPONDENT

.....

Mr. Vinayak Narayan Upadhye, Advocate for the petitioner

Mr. N. K. Chaudhari Advocate for the respondent

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st SEPTEMBER, 2022

ORDER :

1. Substantial appeal filed by the petitioner challenging order dated 20th May, 2022 thereby directing the petitioner to pay an amount of Rs.13,29,987/- under section 14-B read with section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter for the short "the said Act"), is challenged by the petitioner by filing appeal before Central Government Industrial Tribunal (CGIT), Nagpur. The said appeal is admitted. On I.A. for stay, the Tribunal has directed the petitioner to deposit 50% of the amount ordered under section 14-B of the said Act within 30 days. This order is challenged by the petitioner in this petition.

2. Heard learned advocate for the petitioner and learned advocate for the respondent.

3. It is a matter of record that in the appeal, the petitioner has taken a ground that though the petitioner was ready and willing to deposit the said amount as per the scheme, within 15 days, however, as the website of the respondent could not be reached, the amounts could not be deposited within the stipulated time. The petitioner has also relied on the orders passed by this Court in writ petition No. 4422 of 2022 (M/s Tapti Sahakari Patpedhi Ltd V/s The Assistant Provident Fund Commissioner) wherein this Court has directed the petitioners therein to deposit 25% of the amount. Of course, the said direction is issued as the Presiding Officer CGIT was not available.

4. Learned advocate for the petitioner states that even now presiding officer is not available at Mumbai as well as at Nagpur.

5. Considering these aspects, this Court is of the opinion that the petitioner may be permitted to deposit 25% amount instead of 50% as directed by the CGIT, within 30 days from today.

6. In the result, the writ petition is allowed. Directions of the

CGIT dated 11th August, 2022 are modified to the effect that recovery in compliance of the order under section 14-B of the said Act shall remain stayed till disposal of the appeal, subject to the condition that the petitioner deposits 25% of the amount within 30 days from today.

[NITIN B. SURYAWANSHI]
JUDGE

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