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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4673 OF 2022**

M/s. Mungi Brothers

...Petitioner

VS.

The Regional Provident Fund
Commissioner II

..Respondent

Mr. P.M. Palshikar a/w Ms. Shraddha Chavan i/b Mr.
Mohendra M. Agavekar, for petitioner.

Ms. Mohinee Chougule i/b Mr. Suresh Kumar, for
Respondent.

**CORAM : M. S. KARNIK, J.
DATE : SEPTEMBER 28, 2022**

P.C. :

1. Learned counsel for the petitioner submitted that against the order dated 4th January 2022 passed by the Employees' Provident Fund Organization, a substantive appeal under section 7-R of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (hereafter 'the said Act', for short) has already been preferred before the Employees' Provident Fund Appellate Tribunal, Mumbai. This Court by an interim order dated 19/04/2022 granted interim protection to the petitioner in terms of prayer clause (c). At the relevant time when the interim order was passed, the Appellate Tribunal was not functioning. It is

now pointed out that the appointments have been made, but the charge has not been taken over of the Tribunal.

2. Learned counsel for the respondent opposed any continuation of the stay. Considering that a right of appeal has been provided under section 7-R of the said Act and that the interim order is already operating since 19/04/2022, instead of keeping this petition pending, the petitioner can be protected for a period of 4 weeks from today, with liberty to move the Employees' Provident Fund Appellate Tribunal, Mumbai seeking appropriate interim reliefs. If within a period of 4 weeks from today, an application for interim/ad-interim relief is made but not heard by the Tribunal for any reason, liberty to apply.

3. The Appellate Tribunal to decide the application for interim relief on its own merits without being influenced by the grant of interim relief by this Court.

4. All contentions are kept open. Liberty to apply to this Court in case of difficulty. Petition disposed of. No costs.

(M. S. KARNIK, J.)