

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7517 OF 2022

**Central Institute of
Fisheries Education
versus
Union of India**

} Petitioner

} Respondent

Ms. Pavitra Manesh for the petitioner.

Mr. Jaiprakash Sawant for respondent no.3.

**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: DECEMBER 8, 2022.

P.C.:

1. The order dated 24th June, 2022 passed on this writ petition by a coordinate Bench called for the records of Appeal No. 6 of 2021 on the file of the Central Government Industrial Tribunal-1, Mumbai (hereafter "the Tribunal", for short), because learned advocate for the Employees Provident Fund Organization had expressed his inability to produce the order passed by the Tribunal refusing the prayer for stay of the impugned order that was made by the petitioner. While calling for the records, the coordinate Bench had also stayed the process of recovery of Rs.2 crore from the petitioner on the ground that the office of the Presiding Officer of the Tribunal was vacant and if recoveries were effected during the pendency of the appeal carried by the petitioner, the same would be rendered infructuous.

2. Today, we are informed by Ms. Pavitra Manesh, learned advocate for the petitioner, that an in-charge Presiding Officer of the Tribunal has been hearing matters but because of the order for production of the records of Appeal No. 6 of 2021 by the aforesaid order, the proceedings of the appeal cannot be carried forward further.

3. Since the Tribunal reportedly is now partly functional, we do not propose to keep this writ petition pending. The same stands disposed of with the following order: -

- 1) The order staying recovery of Rs.2 Crore shall continue till 30th June, 2023 or until further orders of the Tribunal in Appeal No. 6 of 2021 to the contrary.
- 2) The records of Appeal No. 6 of 2021 shall be transmitted to the Tribunal immediately but not later than a week from date by the office.
- 3) The Tribunal is encouraged to decide the appeal in accordance with law as early as possible and preferably by 30th June, 2023.
- 4) No opinion on the merits of the appeal is expressed and all contentions are left open.
- 5) If the appeal cannot be decided by 30th June, 2023 for any valid reason, the petitioner shall be at liberty to pray for extension of such order and the same may be granted upon such terms as the Tribunal may deem fit and appropriate to impose.

4. No costs.

(ABHAY AHUJA, J.)

(CHIEF JUSTICE)