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

WRIT PETITION NO.9054 OF 2022

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M/s. Andhra Association ..Petitioner
vs.
Union of India and anr. ..Respondents

Mr. Chetan Alai a/w Mr. Varun Joshi for petitioner.
Mr. Ashutosh Misra for respondent no.1.
Ms. Sonali Humane for respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 15, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. Leave to amend. Amendment to be carried out forthwith.
3. It is informed that Shri Laxmi Narayan Jindal is appointed as Presiding Officer, Central Government Industrial Tribunal (hereafter "CGIT", for short)-cum-Labour Court No.2 by office order dated 22.08.2022. He is yet to take charge and it is expected that he would be taking charge soon. Learned counsel for the petitioner submitted

that an Appeal has been filed before the CGIT and it is due to the non-availability of the Presiding Officer that the application for stay could not be moved. He submits that in the meantime, the Employees Provident Fund Authority proceeded with the coercive action and freezed the bank account of the petitioner. It is pointed out that a sum of Rs.7,98,000/- is the balance amount in the bank account which has been freezed. A request is made on behalf of the learned counsel for the petitioner that the account be de-freezed so as to enable the petitioner to pay salary of the non teaching staff which is due for June, July and August 2022, approximately to the tune of Rs.4,50,000/-.

4. Without prejudice to the contention of the respondent no.2 that the petitioner is liable to deposit a substantial amount towards the provident fund claims, learned counsel for the petitioner, submitted that the petitioner is willing to deposit a sum of Rs.4,50,000/- with the CGIT-cum-Labour Court No.2 and shall do so within a period of four weeks from today. The statement is accepted as an undertaking to this Court.

5. In the interest of justice, the account is de-freezed to the extent that the petitioner would be permitted to withdraw a sum of Rs.3,00,000/- from the bank account so as to enable the petitioner to pay part of the salary to the employees for the month of June, July and August 2022.

6. As the Presiding Officer is expected to join soon, the petitioner may apply for further orders from the CGIT. The amount that is directed to be deposited is without prejudice to the contention of the Provident Fund Department that the provident fund dues liable to be paid by the petitioner are to the tune of Rs.24,42,314/-. In case the Presiding Officer does not take charge within a period of four weeks from today, liberty to apply to this Court for further orders.

7. The Writ Petition is disposed of.

(M. S. KARNIK, J.)