

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.232 OF 2010

1. Assistant Provident Fund Commissioner
132A, Ridge Road, Tukdoji Maharaj
Chowk, Raghuji Nagar, Nagpur

2. Central Board of Trustees, Body Corporate Constituted under Employees Provident Fund and Miscellaneous Provisions Act Bhavishya Nidhi Bhavan, 14 Bhikaji Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

R.K. Sancheti Engineers & Contractors,
'Matoshree', C-37, Shastri Nagar, Chandrapur. **...RESPONDENT**

WITH
WRIT PETITION NO.3722 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner, 132A, Ridge Road, Tukdoji Maharaj Chowk, Nagpur

2. Central Board of Trustees, Body Corporate Constituted under Employees Provident Fund and Miscellaneous Provisions Act Bhavishya Nidhi Bhavan, 14 Bhikaji Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. Surkan & Company, through its
Partner Naresh s/o Kanhaiyalal Jaisinghania, 'Ashiyana', 12, Clark Town,
Thaper Marg, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.2433 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur
2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. Super Construction Company, 35,
Sujata Layout, Near Dindayal Nagar,
Ring Road, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.3252 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur
2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. A.B. Construction Engineers & Con-
tractors Geetai Nagar, Gopuri, Wardha. **...RESPONDENT**

WITH
WRIT PETITION NO.3251 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur

2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. Gupta Construction Company,
Sadodaya Plaza, Block No.511, 5th Floor,
Opposite Meyo Hospital, Central Avenue
Road, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.2674 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur

2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. P.K. Construction, 15, Sanmati,
Uroowela Colony, Near Datta Meghe
Polytechnic, Kotwal Nagar, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.3521 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur

2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. George Construction Company, En-
gineers & Contractors, G-3, Anjuman
Shop Complex, Opp. Sadar Bus Stop, **...RESPONDENT**
Nagpur.

WITH
WRIT PETITION NO.3534 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur

2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. N.N. Pugalia, Engineers & Contrac-
tors, 244, Roop Sadan, Behind Chhota
Masjid, Sadar, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.3531 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur
2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. Anoj Kumar Agarwala,
Srimangal, 159, Ramdaspath, Nagpur **...RESPONDENT**

WITH
WRIT PETITION NO.3494 OF 2010

1. Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund
Commissioner, 132A, Ridge Road, Tuk-
doji Maharaj Chowk, Nagpur
2. Central Board of Trustees, Body Corpo-
rate Constituted under Employees Provi-
dent Fund and Miscellaneous Provisions
Act Bhavishya Nidhi Bhavan, 14 Bhikaji
Kama Palace, New Delhi. **...PETITIONERS**

---VERSUS---

M/s. Vijay Construction, 43, New Sneh
Nagar, Wardha Road, Nagpur **...RESPONDENT**

Mr. H. N. Verma, Advocate for petitioners.

CORAM:- AMIT BORKAR, J.

DATED :- 11.07.2022

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties.

2. The present petitions arise from impugned orders passed by the Employees Provident Fund Commissioner in the exercise of powers under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. By the said orders, the appellate tribunal allowed the appeals filed by the employer. The petitioners have, therefore, filed the present petitions challenging the order of the appellate tribunal.

3. During the pendency of the present petition, this Court, by order dated 14.03.2011, directed the tribunal to consider the question of waiver of the employees' contribution for the period 2005-06 and 2006-07. This Court also directed the tribunal to consider waiving the employer's contribution for the previous period. The said exercise was directed to be completed within six months from the date of said order.

4. It is informed that the tribunal has completed the said exercise and, in four matters, the employer has challenged the or-

der under Section 7-A by way of Writ Petition Stamp Nos.7227/2017 to 7230/2017. However, the fact remains that the tribunal has adjudicated upon the issue of identification of employees. If that be so, nothing remains to be adjudicated in the present petition. Pursuant to the order dated 14.03.2011, the tribunal has adjudicated upon identifying employees by order dated 21.12.2015. By the said order, the tribunal has held 82 employees entitled to the benefits of the provisions of the Act.

5. In that view of the matter, the bone of contention between the parties about the identification of the employees, which was a ground for allowing the appeal of the employer, no longer exists. Therefore, in my view, since all employees have been held to be entitled to the benefits of the Act by dated 21.12.2015, the order impugned in the present petition deserves to be quashed and set aside. I, therefore, pass the following order.

Rule is made absolute in terms of prayer clause (i).
The orders impugned in the petitions are quashed and set aside.
No order as to costs.

JUDGE

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 14.07.2022
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