

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

WRIT PETITION NO.1782/2022

M/s. Tirupati Ginning and Agro Industries, Buldhana through its Partner
Shri Ashok Agarwal

...Versus...

The Central Board of Trustees, Employees Provident Fund Organization,
Through office of Assistant Provident Fund Commissioner, Akola and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri H.V. Thakur, Advocate for petitioner
Shri H.N. Verma, Advocate for respondents

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/09/2022

1. Heard Shri H.V. Thakur, learned counsel for the petitioner and Shri H.N. Verma, learned counsel for the respondents.
2. Shri Thakur, learned counsel for the petitioner submits that while passing the impugned order dated 31/12/2021 (pg.81), the petitioner was not given an opportunity of cross-examining the Enforcement Officer on his deposition to test the veracity of the averments and conclusions made in his report.
3. On a query being made by the Court, Shri Verma, learned counsel for the respondents, on instructions, states

that upon perusal of the record, such an opportunity does not appear to have been given in spite of the fact that an application for that purpose was already on record at the behest of the petitioner. In that view of the matter, it is clearly apparent that the impugned order will have to be quashed and set aside. The impugned order is hereby quashed and set aside and the matter is remanded back to the Provident Fund Commissioner for decision afresh after affording the petitioner an opportunity to cross-examine the Enforcement Officer upon the report as submitted by him. The parties shall appear before the Provident Fund Commissioner on 26/09/2022 and the Provident Fund Commissioner, shall thereafter grant an opportunity to the petitioner to cross-examine the Enforcement Officer on the report submitted by him and thereafter decide the matter as expeditiously as possible and preferably within a period of two months therefrom. It is made clear that since the matter has not been decided on merits, all the questions are kept open.

4. The writ petition is partly allowed and disposed of accordingly. No order as to costs.

(AVINASH G. GHAROTE, J.)