

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

WRIT PETITION NO. 2412 OF 2022

Shri Govind Laxmanrao Pise

vs.

Assistant Provident Fund Commissioner, Employees Provident Fund

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

Court's or Judge's Orders.

Mr. P. U. Kavishwar, Advocate for petitioner.

Mr. H. N. Verma, Advocate for sole respondent.

CORAM : MANISH PITALE J.

DATE : 13/07/2022

By this petition, the petitioner has challenged order dated 23/02/2022, passed by the respondent authority, whereby a review application filed under Section 7B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 was rejected, only on the ground that the said application was not filed within 45 days of the order passed by the authorities under Section 7A of the said Act.

2. It is the case of the petitioner that in the review application itself, it was categorically stated that copy of the order passed under Section 7A of the Act by the respondent authority was received only when a person from the office of the petitioner visited

the office of the respondent authority. On this basis, it is contended that it could not be said on facts that the review application was not filed within 45 days.

3. In order to oppose the said contention, the learned counsel for the respondent authority produced photo copy of outward register to show the dispatch of documents.

4. This Court is of the opinion that when the respondent authority passed the impugned order, the aforesaid aspects of the matter ought to have been examined, to consider whether it could be said that the review application was filed within 45 days of knowledge of the order under Section 7A of the said Act, particularly in the backdrop of orders passed by the Hon'ble Supreme Court in the context of COVID-19 pandemic, thereby extending the period of limitation.

5. Since there is no examination of the said aspect of the matter, this Court is inclined to give limited relief to the petitioner.

6. In view of the above, writ petition is partly allowed.

7. The impugned order dated 23/03/2022 passed by the respondent authority is quashed and set aside.

8. The matter is sent back to the said authority for examination of the aspect as to whether in the facts and circumstances of the present case, it could be said that the review application was filed within the period of limitation.

9. The respondent authority shall grant opportunity to the petitioner to place on record additional documents, if required, for him to demonstrate that the review application was indeed filed within limitation.

10. Writ Petition is disposed of in above terms.

JUDGE