

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO.353 OF 2023
IN WP/5565/2022
WITH
WP/5565/2022

REGIONAL PROVIDENT COMMISSIONER II COMP
VERSUS
M/S PADMASHRI DR VITTHALRAO VIKHE PATIL SAHAKARI SAKHAR
KARKHANA LTD

...
Advocate for Applicant : Mr. N. K. Chaudhari
AGP for Respondent : Mr. K. B. Jadhavar
Advocate Mr. N. S. Jaju, for Petitioner In WP
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 11th January, 2023

PER COURT :

1. The learned Advocate for the petitioner submits that he had preferred an appeal challenging the impugned order under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 before the Employees' Provident Fund Appellate Tribunal. Since the appellate authority was not functioning, the present writ petition was filed as the petitioner was seeking an interim order of Stay of the impugned order. This Court granted conditional interim order of Stay on condition of deposit 75 % of the claim amount. The same amount has been deposited in this Court.

2. The respondents authority is permitted to withdraw the same. The petitioner's appeal before the Tribunal may be proceeded with as the presiding officer is available and the Stay granted by this Court is directed to operate during the pendency of the appeal before the appellate authority.

3. In view of the above, the present writ petition is disposed of. The amount with accrued interest is permitted to be withdrawn by the respondent authority.

4. Pending civil application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.