

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5230 OF 2023

M/S Nagpal Projects And Construction
Pvt Ltd Through Shri Ramesh B. Nagpal Director ...Petitioner

Versus

The Employees Provident Fund Organization ..Respondent

Mr. B.B. Yenge, Advocate for the petitioner.

Mr. Nitin K. Chaudhari, Advocate for the respondent.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 4th MAY, 2023

ORDER :

1. By order dated 19.09.2022, passed under section 7A read with Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (for short 'said Act'), Regional Provide Fund Commissioner-II directed the petitioner to pay an amount of Rs. 46,48,470/- as dues against establishment for the period from 24.12.2010 to 04/2016.

2. The petitioner filed statutory appeal before Central Government Industrial Tribunal, Nagpur (for short 'CGIT'). According to the petitioner, Presiding Officer, CGIT, Nagpur is not available, hence, the petitioner is constrained to move this Court for stay by filing present petition under Article 227 of the

Constitution of India.

3. Learned advocate for the respondent strongly opposed the petition. He submits that in terms of section 7I of said Act, petitioner is liable to deposit 75% of the due amount.

4. After hearing rival submissions, this Court is of the opinion that, at this stage, petitioner should deposit 50% of due amount in CGIT, Nagpur. On such deposit there shall be ad-interim stay to the impugned order.

5. It is made clear that this Court has not considered merits of rival contentions and this order is being passed only by way of stopgap arrangement.

6. CGIT, Nagpur shall consider the delay condonation application as well as stay application filed by the petitioner on merits without being influenced by this order.

7. The petitioner makes a grievance that due to prohibitory orders passed by the respondent, bank accounts of the petitioner are attached.

8. Learned advocate for the respondent states that, the bank is not releasing due amount in compliance of the impugned order, as the petitioner has filed appeal before CGIT, Nagpur.

9. In that view of the matter, respondent is directed to release attachment of the bank accounts of the petitioner, so as to enable the petitioner to deposit 50% of the due amount as directed in this order.

10. Learned advocate for the petitioner undertakes to deposit 50% of the due amount in CGIT, Nagpur within two weeks from the date of lifting of attachment of the bank accounts.

11. With these directions, writ petition is disposed of.

[NITIN B. SURYAWANSHI, J.]