

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2356 OF 2023

Solapur Mahanagar Palika Chaturth
Shreni Nokaranchi Sahkari Patsantha Petitioner

versus

State of Maharashtra & Anr. Respondents

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- Mr. Pratap B. Salgar i/b. Abdul Quadir, Advocate for Petitioner.
- Mr. S. D. Rayrikar, AGP for Respondent No.1.
- Ms. Pooja Pandey a/w Ragini Singh a/w Priya Rai i/b. Jog Singh, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th APRIL 2023

P.C. :

1. Heard Mr. Pratap B. Salgar, learned counsel for the Petitioner, Ms. Pooja Pandey, learned counsel for the Respondent No.2 and Mr. S. D. Rayrikar, learned AGP for Respondent No.1.

2. The Petitioner has challenged the order dated 12/12/2022 passed by the Regional Provident Fund Commissioner's Office, Regional Office, Solapur, addressed to

the Branch Manager, Bank of Maharashtra, Branch Sakhar Peth, Solapur, to pay the amount lying in that particular account to the said authority u/s 8F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

3. Learned counsel appearing for the Respondent No.2 i.e. the Regional Employees' Provident Fund Organization through its Commissioner, submitted that the main order was passed u/s 14B and 7Q of the said Act on 18/05/2022. The said order should have been challenged by the Petitioner before the Central Government Industrial Tribunal u/s 7-I of the said Act. Instead of that, the Petitioner has rushed to this Court. Therefore, he has efficacious alternative remedy.

4. Learned counsel for the Petitioner on the other hand submitted that he was never served with the order dated 18/05/2022 referred by learned counsel for Respondent No.2. Learned counsel for Respondent No.2 has handed over a photocopy of the said order dated 18/05/2022 to the learned

counsel for Petitioner in the Court. Learned counsel for the Respondent No.2 further submits that she would inform the Respondent No.2's office to furnish the certified copy of the said order to the Petitioner. Therefore, at this stage, keeping aside the issue of service of the said order dated 18/05/2022 on the Petitioner earlier, the Petitioner is given liberty to approach the aforementioned Tribunal with an application for condonation of delay and for application for stay to the order dated 12/12/2022. His stand that Petitioner was not served with the order dated 18/05/2022 earlier is left open to be considered by the Tribunal.

5. Learned counsel for the Petitioner submitted that if such application for stay is preferred, the Tribunal be directed to decide it within a period of two weeks from its filing. Learned counsel for the Respondent No.2 has no objection for this course of action.

6. In this background, all the contentions raised in this Petition by the Petitioner and also the contentions raised by the

learned counsel for Respondent No.2 are left open to be decided by the said Tribunal. The Petitioner is at liberty to approach the Tribunal challenging the order dated 18/05/2022 as well as the order dated 12/12/2022. He is at liberty to file the appropriate application for condonation of delay and for staying of the impugned orders. If such proceeding is filed, it shall be decided in accordance with law. All the contentions raised as mentioned earlier, are specifically left open. The Tribunal is requested to decide the condonation of delay application and the stay application at the earliest and as far as possible within a period of two weeks from such filing because the business of the Petitioner society is at standstill at the moment.

7. With these observations, the Petition is disposed of.

(SARANG V. KOTWAL, J.)