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

WRIT PETITION NO. 3180 OF 2023

Janyani Textiles Industries ..Petitioner
VS.
Regional Provident Fund Commissioner-II ..Respondent

Adv. Samiksha Kanani for the petitioner.

Adv. Gunjan Chaubey a/w. Adv. Vinay Kate for the
respondent.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 16, 2023

P.C.:-

1. Learned counsel for the petitioner submits that the petitioner had filed a review application under Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereafter 'the said Act' for short). The said review is rejected on the ground that it is not in proper format and that the reason adduced by the petitioner to reopen the case under Section 7B of the said Act is not justifiable and acceptable.

2. Learned counsel for the petitioner submits that the said order is passed without affording an opportunity of hearing to the petitioner.

3. Learned counsel for the respondent submits that the petitioner has remedy to file an appeal under Section 7I of the said Act.

4. The grievance of the petitioner is that the petitioner has not been given opportunity of hearing and that the review application is rejected on the ground that the same was not filed in proper format.

5. Considering that the order was passed without adhering the principles of natural justice, we pass the following order:

ORDER

(I) The petitioner shall deposit 50% of the amount i.e. Rs. 4,50,000/- with the respondent within four weeks from today.

(II) If the amount is deposited, the impugned order is quashed and set aside.

(III) The petitioner is given an opportunity to rectify the defect and file the review application in proper format within four weeks.

(IV) The authority shall thereafter decide the said review application on its own merits and in accordance

with law and expeditiously.

(V) The deposit is made without rights and contentions of either of the parties and subject to the decision that will be taken by the authority in the application under Section 7B of the said Act.

6. The writ petition is disposed of.

7. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)