

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1110 OF 2022

Sudhir D. Dalvi & Anr.

....Petitioners

V/S

The Commissioner

Employees' Provident Fund Organisation & Anr.

....Respondents

...

Mr. Chinmay Apte a/w Ms. Priyanka Kumar i/b Mr. Amit Saple for the
Petitioners.

Mrs. Smita Thakur i/b Mr. Suresh Kumar for Respondent No.1.

Mr. Dhruvad Vaghani a/w Mr. Rishabh Sethi, Mr. Ajiz M.K. i/b Lex Aeterna
Practices for Respondent No.2.

...

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

DATE : 1st FEBRUARY 2023.

P.C.:

1 The grievance of the Petitioners is that the Provident Fund amount of the Petitioners is not paid. The Petitioners were employees of erstwhile M/s. Alexcon Foam Cast Ltd.. The same is taken over by Respondent No.2-National Steel & Agro Industries.

2 The learned Advocate for the Respondent No.1 on instructions submits that the Respondent No.1 has recovered an amount of Rs.39,00,000/- and add from the erstwhile Company viz. M/s. Alexcon Foam Cast Ltd. However, Respondent No.1 inspite of seeking details of the employees from the erstwhile Company, the details are not forthcoming.

The learned Advocate for Respondent No.2 also submits that the Respondent No.2 now is represented by Resolution Professional (RP).

3 The Respondent No.1 without the details certainly would be handicapped to make the payment of the admissible Provident Fund amount due and payable to the Petitioners.

4 The Petitioners may provide the details of the Provident Fund amount payable to them alongwith the proof of it such as the salary slips or any other documents showing with authenticity the amount of Provident Fund deducted and/or to be deposited with the Respondent No.1-Provident Fund Department by the erstwhile Company. The Respondent No.1 upon receipt of the same from the Petitioners shall verify and may make the payment of the admissible amount due and payable to the Petitioners towards the Provident Fund in accordance with rules expeditiously.

5 With the aforesaid observations and directions, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)