

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

WRIT PETITION NO.14298 OF 2023

M/s. Ajara Shetkari Shakari Sakhar
Karkhana Ltd.

At Post Gavse, Taluka : Ajra,
District : Kolhapur

... Petitioner

Versus

Regional Provident Fund Commissioner-I
Regional Office, Kolhapur.

Office at, Bhavishya Nidhi Bhavan,
238/6, E-ward, Tarabai Park, Kolhapur,
Maharashtra

... Respondent

**WITH
INTERIM APPLICATION NO.17810 OF 2023
WITH
INTERIM APPLICATION NO. 17289 OF 2023 (NOB)**

Mr. M. V. Thorat for Petitioner/Applicant.

Ms. Sonali Humane for Respondent No.1.

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**CORAM : A. S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**

DATE : 14TH DECEMBER 2023

Oral Judgment (Per A. S. Chandurkar J.):

1. Rule. Rule made returnable forthwith.
2. The challenge raised in the present Writ Petition is to the order dated 5th December 2022 which is an order passed under Section 14(B) of

the Employees Provident Funds and Miscellaneous Provisions Act, 1952. By the said order the Petitioner was called upon to pay an amount of Rs. 1,07,16,912/- towards provident fund dues. In absence of a learned Member being available at the Employee's Provident Fund Appellate Tribunal, the present proceedings were filed seeking stay of the aforesaid order. During the pendency of the present proceedings notice of demand dated 31.10.2023 came to be issued by the Respondent requiring the Petitioner to pay an amount of Rs. 1,58,61,051/-. By moving an Interim Application the Petitioner sought stay of the said demand. By order dated 17.11.2023 the Petitioner was directed to deposit 50% of the aforesaid amount within a period of 15 days as a condition for staying the implementation of the demand notice. It is submitted by the learned Counsel for the Petitioner that the said amount has been so deposited on 8th December 2023. In view of the fact that the statutory appeal preferred by the Petitioner is pending before the Appellate Tribunal, the interests of justice would be served by passing the following order:-

- A. The Appeal preferred by the Petitioner shall be considered on its own merits and decided by the Appellate Tribunal in accordance with law. Till the said Appeal is decided, the implementation of the order

dated 5th December 2022 and the demand notice dated 31.10.2023 shall remain stayed in view of deposit of 50% of the amount mentioned in the notice of demand.

B. The Writ Petition is disposed of by clarifying that all contentions of the parties are kept open for being raised before the Appellate Tribunal.

C. Interim Application No. 17810 of 2023 and Interim Application No. 17289 of 2023 stand disposed of.

3. Rule is disposed of in aforesaid terms with no order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(A. S. CHANDURKAR, J.)