



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 1564 of 2020

M.s Gaurav Wires

Versus

Regional Provident Fund Commissioner-II, Dist. Akola

Office Notes, Office Memoranda of Court's or Judge's Order
Coram, appearances, Court's Orders
or directions and Registrar's order

Shri A.R.Deshpande, Advocate for the petitioner
Shri H.N.Verma, Advocate for the sole-respondent.

CORAM : ANIL S. KILOR, J.
DATED : 17th OCTOBER, 2023.

Heard.

2. In this matter, a hyper technical approach has been adopted by the Regional Provident Fund Commissioner while rejecting the review application under Section 7-B of the Employees Provident Fund and Misc. Provisions Act, 1952 read with Section 79-A of Employees Provident Fund Scheme, 1952 (in short hereinafter referred as Act, 1952) vide order dated 5th March, 2020. The same is under challenge in this writ petition.

3. The reason for rejection of review application was that it was not filed in a prescribed format i.e. Form 9.

4. The justice cannot be denied on hyper technical ground particularly when it is not the case of the Regional Provident Fund Commissioner-II that the

petitioner was granted an opportunity to remove the said defect and despite the same the petitioner failed to remove such defect.

5. In the circumstances, I pass the following order.

i. The writ petition is partly allowed.

ii. The order dated 5th March, 2020 passed by the Regional Provident Fund Commissioner-II, Akola is hereby quashed and set aside.

iii. The matter is remanded back to the Regional Provident Fund Commissioner-II, Akola for deciding the application under Section 7-B of the Act, 1952 afresh.

iv. The petitioner is at liberty to file the application under Section 7-B of the Act, 1952 in a prescribed format.

v. Even after filing of such application in prescribed format Form 9 by the petitioner, any defects remains, the Regional Provident Fund Commissioner-II, Akola shall grant further opportunity to the petitioner to remove such defects and decide the application on merit after hearing the petitioner.

vi. The petitioner is directed to appear before the Regional Provident Fund Commissioner-II, Akola on **31st October, 2023** at 11 am.

[ANIL S. KILOR, J.]