

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

Writ Petition No.5017 of 2018

The Central Board Of Trustees, Employees Prov. Fund Org Thr. Regional Provident
Fund Commissioner, Regional Office Akola

Vs

R.V.P.R.T. Ayurved Mahavidyalaya, Akola Through Its Principal

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

Court's or Judge's Order

Shri H.N. Verma, Advocate for the Petitioner

Ms Maharukh Haq, Advocate h/f Shri A.R. Deshpande, Advocate for the
Respondent-sole

CORAM : ANIL S. KILOR, J.

DATED : 07.06.2023

1. Heard.
2. In this petition, a challenge is raised to the order dated 08.09.2015, rejecting the application under Section 7-L(2) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act of 1952") for rectification of order dated 16.10.2007 passed by the Employees Provident Fund Appellate Tribunal, New Delhi.
3. The application was rejected on the ground that it was barred by limitation. The justification to say that it was within limitation, it is argued that the petitioner received the order on 16.06.2010 and therefrom the proceeding was filed within five years i.e. within limitation.

4. Considering the submission made by the learned counsel for the petitioner, it is necessary to refer to the provision of Section 7-L(2) of the Act of 1952, which reads thus:

“Section 7-L Orders of Tribunal.-

(1) ...

(2) A Tribunal may, at any time within five years from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal:

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard.”

5. In the present matter, undisputedly, even if the date of receipt of letter is considered as 16.06.2010, the petitioner had sufficient time to make an application for rectification, within five years from the date of order. The limitation of five years from the date of order lapsed on 15.10.2012, whereas, the order was received by the petitioner on 16.06.2010.

6. Moreover, even on merit, considering the rectification the petitioner is seeking in the last part of the order, according to me, it is beyond the scope of Section 7-L(2).

7. In the circumstances, I do not find any error committed by the learned Employees Provident Fund Appellate Tribunal, New

Delhi in rejecting the application under Section 7-L(2) of the Act of 1952. Accordingly, the petition is **dismissed**.

[ANIL S. KILOR, J.]