

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

WRIT PETITION NO.2249 OF 2022

M/s Mhalsadevi Charitable Society, Akola through Secretary Ulhas Vasantrao
Kulkarni .Vs. Assistant Provident Fund Commissioner, Akola

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

Court's or Judge's Order

Shri P.U. Kavishwar, Advocate for the petitioner.
Shri H.N. Verma, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.
DATED : 25/04/2023

1. Heard.
2. The order dated 23.04.2021 passed under Section 7B of the Employees Providents Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act of 1952"), is under challenge in this writ petition.
3. The only grievance raised by the petitioner is that the AEO report forwarded to the petitioner was not received by the petitioner and no hearing was granted on 7B of the Act of 1952 application.
4. There is nothing to point out that the petitioner was heard or received the AEO report.

5. In the circumstances, without going into the merits of the matter, I am of the opinion that the purpose would be served if the 7B of the Act of 1952 application is remanded back to the Regional Provident Fund Commissioner to decide the same after hearing the petitioner. Accordingly, I pass the following order:

- a) The writ petition is party **allowed**.
- b) The order dated 23.04.2021 passed on 7B of the Act of 1952 application of the petitioner is hereby quashed and set aside.
- c) The matter is remanded back to the Regional Provident Fund Commissioner, Akola to decide the application filed by the petitioner under Section 7B of the Act of 1952 afresh in accordance with law.

The writ petition is **disposed of** accordingly.

JUDGE