

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

WRIT PETITION NO.3919 OF 2022

Kamal Ratanlal Alimchandani, .Vs. Regional Provident Fund Commissioner
II, 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 respondents.

CORAM : ANIL S. KILOR, J.

DATED : 25/04/2023

1. Heard.

2. The order dated 22.02.2022 passed under Section 7B of the Employees Providents Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as “the Act of 1952”) by the Assistant P.F. Commissioner Regional Office, Akola, is under challenge in this writ petition.

3. The only ground for rejection of 7B application of the Act of 1952 is that it was not submitted within 45 days from the date of order under Section 7A of the Act of 1952. However, considering the fact that the order passed under 7A of the Act of 1952 was not issued in the name of the petitioner but in the name of one Akim Pandani,

whereas, the name of the petitioner is Kamal Ratanlal Alimchandani.

4. It is the case of the petitioner that the notice might have been issued but it was not served upon the petitioner because of wrong name.

5. It is submitted that after the application for supply of copy of order under Section 7A of the Act of 1952 was made, the petitioner got the knowledge about the order under 7A of the Act of 1952. Thereafter, the application under Section 7B of the Act of 1952 was moved. It is submitted that if the period from the date of knowledge is considered, the application under Section 7B of the Act of 1952, is well within time.

6. The learned counsel for the respondents are not disputing the typographical mistake in mentioning the name of the petitioner in the 7A order.

7. In the above referred backdrop, I am of the considered view that the matter needs to be remanded back to the respondent No.1 to decide the same afresh in accordance with law. Accordingly, I pass the following order:

a) The writ petition is partly **allowed**.

b) The order dated 22.02.2022 passed on 7A 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 7A of the Act of 1952 afresh in accordance with law after hearing the petitioner.

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

JUDGE