



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

Writ Petition (WP) No. 8140 of 2022

M/s Mehetre Hospital Buldhana through its Proprietor Rahul Mehetre

Versus

The Assistant Provident Funds Commissioner, Regional Office, Akola

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

Court's or Judge's Order

Shri A.J.Pathak, Advocate for the petitioner.

Shri H.N.Verma, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 20th SEPTEMBER, 2023.

Heard.

2. In this writ petition, the impugned order dated 17th June, 2022, passed by the Assistant Provident Fund Commissioner, Regional Office, Akola, in review application filed under Section 7B of the Employees Provident Funds & Misc. Provisions Act, 1952 (hereinafter referred as 'Act, 1952') is under challenge on the ground that no hearing was granted before passing such order.

3. Learned counsel for the respondent is not disputing this fact.

4. In that view of the matter, as it is necessary to grant hearing before deciding the review application under Section 7B of the Act, 1952, and since that has not been granted to the petitioner, this matter needs to be remanded back to the Regional Provident Fund Commissioner, Regional Office, Akola for deciding the application filed under Section 7B of the Act, 1952, after hearing the petitioner. Accordingly, I pass the following order.

- i. The writ petition is partly allowed;
- ii. The order dated 17th June, 2022 passed by the Assistant Provident Fund Commissioner, Regional Office, Akola is hereby quashed and set aside;
- iii. The matter is remanded back to the Regional Provident Fund Commissioner, Regional Office, Akola to decide the same after hearing the petitioner;
- iv. The petitioner shall appear before the Regional Provident Fund Commissioner, Regional Office, Akola on **12th October, 2023** at 11 a.m.

[ANIL S. KILOR, J.]