

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

WRIT PETITION NO. 6136 OF 2017

Yawali Shahid Smarak Samiti __ Vs. __ Assistant Provident Fund Commissioner

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.R.Deshpande, Advocate for petitioner

Mr. H.N.Verma, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/03/2023

1] Mr. Verma, learned counsel for the respondent on instructions makes a statement that in light of the Circular dated 6.10.1989, the question of waiver for the duration 1989 to 1997 will have to be decided in light of the said circular by the Regional Provident Fund Commissioner and the claim of waiver subsequent to 1997 shall have to be decided in light of the subsequent Circular dated 25/26-3-1997 based upon the genuineness of the reasons given by the petitioner.

2] In light of above, the impugned order dated 6.4.2015 is hereby quashed and set aside and the matter is remanded back to the learned Regional Provident Fund Commissioner, Akola, for deciding the application on the basis of the aforesaid two circulars.

(2)

24wp6136.17

3] The petition is accordingly allowed in above terms. No costs.

JUDGE

Rvjalit