

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

WRIT PETITION NO.1263 OF 2018

Sahakar Maharshi Dadasaheb Deotale Sahakari Cotton Ginning Pressing .Vs. Asstt.
Provide Fund Commissioner, Nagpur

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 : 04/07/2023

1. Heard.

2. In the present matter, the order dated 11.12.2017 and the notice for demand dated 12.12.2017, are under challenge in this writ petition.

3. The learned counsel for the petitioner has drawn attention to the affidavit filed by one Shashank Raizada, the Regional Provident Fund Commissioner, Paragraph 5 of which reads thus:

“5. It is submitted that as far as payment of Rs.5,49,801/- made by the petitioner to the respondent is concern, the petitioner has paid an amount of Rs.16,511/- in cash towards RRC (Revenue Recovery Certificate) no.743/2004 and Rs.134,678/- towards EPF contribution for the period March 1998 to February 1999, Rs.2,68,182/- towards EPF Contribution for the period March 2001 to February 2002 and Rs.1,30,430/- towards EPF Contribution for the period July 1999 to February 2000, totaling

Rs.5,49,801/-. Thus, the said payment of Rs.5,49,801/- paid by the respondent is not an excess payment made by the petitioner to the respondent. However, if the petitioner still claims that, he has made payment of Rs.5,49,801/- to the respondent in excess, he be directed to come at the office of the respondent with all receipts of payments made to the respondent till today. If the petitioner is able to satisfy the respondent, that, he has made excess payment of Rs.5,49,801/-, then, the respondent would refund the same to the petitioner, after adjusting any liability of the petitioner to pay any dues to the respondent, if any.”

4. The learned counsel for the petitioner in light of the above referred Paragraph 5 submits that, the petitioner would appear before the Regional P.F. Commissioner with all the challans to point out the payment made by the petitioner i.e. Rs.5,49,801/- is in excess.

5. It is submitted that accordingly, the direction may be issued to the Regional P.F. Commissioner to consider the same and reconcile the account. He further submits that, the petitioner will not press this petition and after reconciliation of account, if the grievance survives, the liberty may be granted to the petitioner to approach this Court.

6. Accordingly, the writ petition is permitted to be withdrawn in view of Paragraph 5 of the affidavit dated 13.03.2023 filed by the Regional PF Commissioner.

7. The petitioner shall appear before the Regional PF Commissioner on **26.07.2023** at 11.00 am along with all the challans and bills. Thereupon, the regional P.F. Commissioner shall reconcile the account and take decision by **24.08.2023**.

8. Liberty is granted to the petitioner to file fresh petition if any grievance survives thereafter.

JUDGE