IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 13664 of 2023

BETWEEN:-

IMAST OPERATION PRIVATE LIMITED THROUGH ITS AUTORIZED DIRECTOR ANKUR PATHAK S/O SHRI ANIL PATHAK, AGED ABOUT 36 YEARS, OCCUPATION: BUSINESS 602-604 PRINCES BUSINESS SKYPAR SCHEME NO. 54 OP. ORBIT MALL A.B. ROAD, DISTRICT INDORE (MADHYA PRADESH)

.....PETITIONER

(SHRI HEMENDRA JAIN, LEARNED COUNSEL FOR THE PETITIONER.)

AND

1. **UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF LABOUR AND EMPLOYMENT GOVERNMENT OF MADHYA PRADESH EMPLOYEE PROVIDENT FUND ORGANIZATION SHRAM SHAKTI BHAWAN RAFI MARG, NEW DELHI (DELHI)**

2. **REGIONAL PROVIDENT FUND COMMISSIONER II, COMPLANCE CIRCLE 1 REGIONAL OFFICE (RO), INDORE, EMPLOYEE PROVIDENT FUND ORGANIZATION IDA BUILDING, 7 RACE COURSE ROAD, INDORE (MADHYA PRADESH)**

3. **REGIONAL PROVIDENT FUND COMMISSIONER II AND RECOVERY OFFICER REGIONAL OFFICE (RO) INDORE, EMPLOYEE PROVIDENT FUND ORGANIZATION IDA BUILDING, 7 RACE COURSE ROAD, INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI ASHUTOSH SHARMA, LEARNED COUNSEL FOR THE RESPONDENT NO.1.)
(SHRI ADITYA JAIN, LEARNED COUNSEL FOR THE RESPONDENTS NO. 2 AND 3.)

This petition coming on for hearing this day, the court passed the

following:

ORDER

01. The petitioner has filed the present petition challenging order passed by the Assistant Provident Fund Commissioner u/s. 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 instead of approaching the CGIT which is an appellate authority on the ground that there was no Presiding Officer.

02. Vide order dated 26.6.2023 this Court protected the petitioner from any coercive action.

03. Respondent No.1 has filed the reply by submitting that Shri Purnendu Kumar Srivastava has been appointed as Presiding Officer, therefore, now the CGIT is functional.

04. In view of the above, this petition is disposed of with a liberty to approach the CGIT. If an appeal is filed within a month from today, the same shall be entertained without any application for condonation of delay. The interim protection granted by this Court to the petitioner on 26.6.2023 shall remain in force for a period of two months from today.

C.C. as per rules.

(VIVEK RUSIA)
JUDGE

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