



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

922 WRIT PETITION NO. 776 OF 2024

M/S ASHOK SAHAKARI BANK LTD THROUGH ITS CHIEF
EXECUTIVE OFFICER
VERSUS
THE ASSISTANT PROVIDENT FUNDS COMMISSIONER

....

Mr V. N. Upadhye, Advocate for Petitioner;
Mr N. K. Choudhari, A.G.P. for Respondent

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 24th January, 2024

PER COURT:

1. The Petitioner earlier suffered an order under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the said Act') for the period 04/2003 to 03/2011. The assessment was for an amount of Rs.18,30,569/-. The Petitioner's Appeal before the Provident Fund Appellate Tribunal, was allowed and the matter was remanded. After remand, a further order under Section 7-A of the said Act has been passed on 09/11/2023, confirming the recovery of Rs.18,30,569/- for the said period.

(2)

2. We called upon the learned Advocate for the Petitioner to state, as to whether the Petitioner would deposit 75% of the amount, since the Appeal is already filed with the Central Government Industrial Tribunal (CGIT), Mumbai-1, under Section 7-I of the said Act. The learned Advocate for the Provident Fund Department submits that, 75% deposit of the assessed amount is prescribed under Section 7-O of the said Act. The learned Advocate for the Petitioner submits that the Petitioner would deposit 50% of the amount.

3. Considering the above, we direct that the Petitioner/Management shall deposit the amount of Rs.9,16,000/- with the Provident Fund Authorities, within a period of 30 days from today.

4. With the above direction, the Provident Fund Department would not initiate further coercive steps against the Petitioner, until the pending Appeal before the CGIT, Mumbai-1, is decided.

5. After this amount is deposited, if any bank account of the Petitioner is frozen, the same shall be de-frozen after the amount is credited.

(3)

6. We also record that once the Presiding Officer is appointed on the CGIT, Mumbai-1, the Petitioner's pending Appeal shall be decided within a period of six months.

7. With the above directions, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk