

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5908 OF 2024

ICICI Bank Ltd.	... Petitioner
V/s.	
The Regional Provident Fund Commissioner & Anr	... Respondents

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Mr. Nimay Dave a/w Mr. Mayur Bhojwani i/by MKA &
Co., for Petitioner

Mr. Ravi Rattesar, for Respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2024

PC.:

1. Despite several assurances given to this Court by the learned Additional Solicitor General of India, it appears that the Presiding Officer of the Appellate Tribunal under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("**EPF Act**") is yet to be appointed. With the result, several petitions are being filed in this Court. Due to absence of Presiding Officer, this Court is required to perform statutory duty of the Appellate Tribunal under Section 7-O or 7-I of the EPF Act. Result of all these events is that the purpose of object and purpose of EPF Act is frustrated as it is not possible for this Court to exercise power analogues to Section 7-O or 7-I of the EPF Act in each and every case. Therefore, this Court is left no other option to accept

request on behalf of the petitioner that the petitioner is ready to deposit the amount in this Court subject to further orders passed by the Appellate Authority, if appointed, under Section 7-O of the EPF Act. Hence, the petitioner shall deposit the amount under Section 7-A of the EPF Act in this Court, within one week from today, subject to payment of the amount, during pendency of the appeal, there shall be interim relief in terms of prayer clause (c).

2. It is made clear that deposit of an amount shall be subject to adjudication made by the Appellate Authority either under Section 7-O and 7-I of the petition. The parties succeeding in adjudication either under Section 7-O and 7-I of the EPF Act shall be entitled to withdraw the amount deposited in this Court.

3. The writ petition stands disposed of.

4. It is made clear that the Appellate Authority shall consider contentions raised on behalf of both the sides uninfluenced by the present order.

(AMIT BORKAR, J.)