

Shabnoor

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

WRIT PETITION NO.5992 OF 2024

Sinhgad Public School ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Penal Damages CIR IV ... Respondent

WITH

WRIT PETITION NO.6000 OF 2024

Sinhgad Institute of Management ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office Pune-I ... Respondent

WITH

WRIT PETITION NO.5999 OF 2024

Venutai Chavan Polytechnic ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office Pune-I ... Respondent

WITH

WRIT PETITION NO.5997 OF 2024

Rasiklal M Dhariwal Sinhgad Technical
Institutes Campus ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office Pune-I ... Respondent

WITH

WRIT PETITION NO.5998 OF 2024

Sinhgad Spring Dale Public School ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office Pune-I ... Respondent

**WITH
WRIT PETITION NO.6024 OF 2024**

Sinhgad Law College ... Petitioner
V/s.
Assistant Provident Fund Commissioner
Regional Office ... Respondent

**WITH
WRIT PETITION NO.6005 OF 2024**

Sinhgad Institute of Pharmacy ... Petitioner
V/s.
Assistant Provident Fund Commissioner
Regional Office ... Respondent

**WITH
WRIT PETITION NO.6003 OF 2024**

Sinhgad Institute of Technology and
Science ... Petitioner
V/s.
Assistant Provident Fund Commissioner
Regional Office ... Respondent

**WITH
WRIT PETITION NO.6001 OF 2024**

RMD Sinhgad Spring Dale School Warje
Pune ... Petitioner
V/s.
Assistant Provident Fund Commissioner
Regional Office, Pune I ... Respondent

**WITH
WRIT PETITION NO.6007 OF 2024**

Sinhgad Institute of Technology ... Petitioner

Lonavala

V/s.

Assistant Provident Fund Commissioner
Regional Office, Pune II

... Respondent

**WITH
WRIT PETITION NO.6002 OF 2024**

Sinhgad Institute of Management and
Computer Application

... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office, Pune I

... Respondent

**WITH
WRIT PETITION NO.6004 OF 2024**

S. K. N. Sinhgad Institute Technology &
Science Lonavala

... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Office, Pune II

... Respondent

Mr. V. P. Sawant, Sr. Advocate, Mr. Nitin S. Dhumal, for
Petitioner in all writ petitions.

Mrs. Ranjana Todankar, for Respondents.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2024

P.C.:

1. The challenge in these petitions arises out of an order passed under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("**EPF Act**"). Unlike Section 7-A, of the EPF Act, it is not mandatory for petitioner's to pre-deposit

the amount. It is common ground that the Presiding Officer of the Appellate Authority has not been available.

2. Learned Senior Advocate states that except in Writ Petition Nos.6001, 6002 and 6004 of 2024, in all other writ petitions, the petitioners have not filed statutory appeal under Section 7-I of the EPF Act.

3. Learned Advocate for the Petitioner undertakes to file such appeals within three weeks from today.

4. Since, the Presiding Officer of the Appellate Authority under Section 7-I of the EPF Act is not available, and considering the scheme of the EPF Act which does not require the appellant to deposit damages ascertained under Section 14-B of the EPF Act, the petitioner in all petitions deserve to be protected during pendency of the appeals. Hence, following order:

(a) Except in Writ Petition Nos.6001, 6002 and 6004 of 2024, the petitioners shall file statutory appeals under Section 7-I of the EPF Act before the Appellate Authority within three weeks from today.

(b) During pendency of the appeals, the Authority under the EPF Act shall not proceed for recovery of the amount.

5. With this clarification, the writ petitions stand disposed of.

(AMIT BORKAR, J.)