

Shabnoor

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

WRIT PETITION NO.6006 OF 2024

Sinhgad Institute of Business
Administration & Computer
Application through Its Director ... Petitioner
V/s.
Assistant Provident Fund Commissioner ... Respondent
Regional Office, Pune II

Mr. V. P. Sawant, Sr. Advocate, Mr. Nitin S. Dhumal, for
Petitioner.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2024

P.C.:

1. The challenge in this petition 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 to pre-deposit the amount. It is common ground that the Presiding Officer of the Appellate Authority is not available.
2. Learned Senior Advocate states that the petitioner has not filed statutory appeal under Section 7-I of the EPF Act.
3. Learned Advocate for the Petitioner undertakes to file such appeal 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 deserves to be protected during pendency of the appeals. Hence, following order:

(a) The petitioner shall file statutory appeal under Section 7-I of the EPF Act before the Appellate Authority within three weeks from today.

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

5. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)