

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

WRIT PETITION NO. 9079 OF 2024

Shivshakti Enterprises, Proprietor

Concern of Shri. Vinod Kumar Sharma

}*Petitioner*

: *Versus* :

Regional Provident Fund Commissioner-II,

Kandivali and Ors.

}....*Respondents*

Ms. Samiksha Kanani, for the Petitioner.

Ms. Gunjan Chaubey a/w. Mr. Chaitanya Shirasao, for Respondent No.1.

CORAM : SANDEEP V. MARNE, J.

Dated : 1 July 2024.

P.C. :

1) The challenge in the present petition is to the order dated 30 June 2022 passed under the provisions of Section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, (**the Act**), as well as separate order passed on 30 June 2022 passed under the provisions of Section 14B of the Act. The Petitioner had alternate remedy of filing Appeal under Section 7I of the Act which apparently is not filed. The present petition appears to have been filed on 6 May 2023 which is well beyond the maximum permissible limit of 120 days under Rule 7Q of the Act. In my view, therefore the petition cannot be entertained and deserves to be dismissed.

2) Ms. Kanani, submits that the main grievance of the Petitioner is about passing of orders dated 30 June 2022 against the Petitioner when infact the said orders ought to have been passed against the principal employer (Respondent No.2). She would submit that Petitioner may be granted liberty to adopt appropriate remedies in respect of the said grievance. If any remedy is available in law in this regard, the Petitioner would be free to adopt the said remedies.

3) Ms. Chaubey, the learned counsel appearing for Respondent No.1 would submit that the amounts in pursuance of the impugned orders are already recovered from Respondent No.2. In that view of the matter, she would submit that the coercive action taken against the Petitioner shall be withdrawn by Respondent No.1. The statement is accepted. With the above observations, the Writ Petition is **disposed of**.

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[SANDEEP V. MARNE, J.]