

Shabnoor

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

WRIT PETITION NO.1962 OF 2024

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Solapur Municipal Corporation
Through The Additional Commissioner ... Petitioner

V/s.

Regional Provident Fund
Commissioner II, Regional Officer ... Respondent

Mr. Ramdas Hake Patil, for Petitioner.

Mrs. Ranjana Todankar, for Respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2024

P.C.:

1. The petitioner is challenging order dated 23 January 2024 passed by respondent No.1 in exercise of power under Section 8-F (1) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. Learned Advocate for the petitioner states that the petitioner has already deposited interest payable under Section 7-Q of the Act. The order impugned in the appeal is passed in exercise of power under Section 14-B of the Act. Relying on the judgment in the case of **M/s. Shiv Harbal Res. Laboratory Vs. Assistant Provident Fund Commissioner**, reported in (2010) 0 Supreme (SC)

1530. He submits that the principles of 7-O of the Act cannot be read into Section 7-I in relation to appeals under Section 14-B of the Act.

3. Having considered the observations made by the Apex Court in the said judgment and in absence of availability of Appellate Authority, it would be in the interest of justice that during pendency of present petition, the order passed by the Authority under Section 14-B of the Act needs to be stayed. Hence, during pendency of the present writ petition, there shall be ad-interim relief in terms of prayer clauses (b) and (c).

4. To be heard along with **Writ Petition No.1539 of 2024.**

5. Stand over to **7 March 2024.**

(AMIT BORKAR, J.)