

Nikita

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

WRIT PETITION NO.3643 OF 2024

M/s. Mandar Education Society ... Petitioner

V/s.

Assistant Provident Fund Commissioner
Regional Officer Kolhapur ... Respondent

Mr. M. S. Topkar i/b Mr. Pavitra Manesh for the
Petitioner.

Mrs. Ranjana Todankar, for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 14, 2024

P.C.:

- 1.** Leave to amend. Amendment to be carried out before the next date.
- 2.** The petitioner has approached this Court due to unavailability of Appellate Authority under the provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 (the Act).
- 3.** The order impugned has been passed in exercise of power under Section 7(9) of the Act. The provisions of the Act confers discretion on Appellate Authority to reduce 75% of the recoverable dues. Therefore, considering the financial position and the nature

of work being carried out by the petitioner and other material on record, the petitioner shall deposit 50% of the recoverable dues that i.e. Rs.28,00,000/- by deducting Rs.12,00,000/- which is already deposited by the petitioner, therefore, shall deposit balance amount of Rs.16,00,000/- within a period of eight weeks from today.

4. Amount shall be deposited with the Respondent.
5. Hence, till the next date, there shall be ad-interim relief in terms of amended prayer clauses (c) and (d).
6. It is made clear that in case, the petitioner fails to deposit the amount within eight weeks from today, ad-interim relief shall stand vacated without further reference to the Court.
7. Stand over to **9th May 2024.**

(AMIT BORKAR, J.)