

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

WRIT PETITION NO. 4748 OF 2024

Sudhir D. Dalvi and Another ... Petitioners

versus

The Commissioner under Employees'
Provident Fund Organization and Another ... Respondents

.....

Mr.K.P.Anil Kumar with Ms.Priyanka Kumar for the Petitioners.
Ms.Sonali Humane h/f. Ms.Ranjana Todankar for Respondent No.1.

.....

**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 3 April 2024

P.C.:

The Petitioners had earlier approached this Court by way of a Writ Petition No. 1110 of 2022 in which the following order was passed on 1 February 2023:

“1 The grievance of the Petitioners is that the Provident Fund amount of the Petitioners is not paid. The Petitioners were employees of erstwhile M/s. Alexcon Foam Cast Ltd.. The same is taken over by Respondent No.2-National Steel & Agro Industries.

2 The learned Advocate for the Respondent No.1 on instructions submits that the Respondent No.1 has recovered an amount of Rs.39,00,000/- and add from

the erstwhile Company viz. M/s. Alexcon Foam Cast Ltd. However, Respondent No.1 inspite of seeking details of the employees from the erstwhile Company, the details are not forthcoming. The learned Advocate for Respondent No.2 also submits that the Respondent No.2 now is represented by Resolution Professional (RP).

3 The Respondent No.1 without the details certainly would be handicapped to make the payment of the admissible Provident Fund amount due and payable to the Petitioners.

4 The Petitioners may provide the details of the Provident Fund amount payable to them alongwith the proof of it such as the salary slips or any other documents showing with authenticity the amount of Provident Fund deducted and/or to be deposited with the Respondent No.1-Provident Fund Department by the erstwhile Company. The Respondent No.1 upon receipt of the same from the Petitioners shall verify and may make the payment of the admissible amount due and payable to the Petitioners towards the Provident Fund in accordance with rules expeditiously.

5 With the aforesaid observations and directions, the Writ Petition is disposed of. No costs”.

Therefore, the Division Bench directed the Petitioners to provide details and thereupon Respondent No.1-the Commissioner to make the payment as due.

2. Two facts are established. First is that the money was recovered from the employer. Second, the amount of provident fund

payable to the Petitioners is not paid, which is a statutory responsibility of Respondent No.1- the Commissioner. According to the Petitioners, the requisite documents have been submitted. The learned Counsel for Respondent No.1- the Commissioner seeks time.

3. We defer the hearing of this petition to **14 June 2024** so that in the meanwhile Respondent No.1- the Commissioner will proceed as per order dated 1 February 2023 and disburse the amount. If the amount is not disbursed by the next date, Respondent No.1-the Commissioner will file an affidavit dealing with the case of each of the employees with reasons as to why the amount was not disbursed to them. We put to the notice of Respondent No.1- the Commissioner that if the reasons are found frivolous, appropriate action would follow.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)