

Trupti

925-wp-4748-2024.doc

**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 Orgn. (Ministry of
Labour & Employment) and Another ... Respondents

.....

Ms.Priyanka Kumar for the Petitioners.
Ms.Ranjana Todankar for Respondent No.1.

.....

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

DATED : 18 JULY 2024

P.C.:

On 3 April 2024, the following order came to be passed :

“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.”*

2. Thereafter, on 5 July 2024, the following order was passed :

“1. Learned Counsel for the Provident Fund Commissioner states that the amount has been released in respect of the Petitioners, only it remains to be credited in their account after checking the necessary documents.

2. Learned Counsel for the Petitioners states that documents are already given and if they are not, they would be supplied so that there is no further delay.

3. We place our disapproval on record for the amount of judicial time that had to be spent only to ensure that the Office of the Provident Fund Commissioner does its statutory duty of releasing the provident fund amount to the employees.

*4. To ensure that the amount is actually credited, stand over to **15 July 2024** under the caption “For Directions”.*

3. The learned Counsel for Respondent No.1-the Commissioner states that the amount is credited to the provident fund account, however, details such as bank account and aadhar card will be required to be submitted by the Petitioners.

4. After the documents are so supplied by the Petitioners, then Respondent No.1- the Commissioner will credit the amount in the bank account of each of the Petitioners within a period of 15 days from that date. We bind the Regional Provident Fund Commissioner -II to this time limit.

5. The writ petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)