

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7767 OF 2024

Shri. Sant Kurmadas Sahakari Karkhana Ltd.
Through S.P. Binage

...Petitioner

Versus

Employees Provident Fund Organisation Through
Its Assistant/Regional PF Commissioner & Recovery
Officer

...Respondents

Mr. Amit A. Karande, for Petitioner.
None for Respondents.

HUSENBASHA
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Date: 2024.05.28
21:12:28 +0530

CORAM : M.M. SATHAYE, J.

DATED : 28 MAY 2024

(VACATION COURT)

P.C. :

1. Heard learned counsel for the parties.
2. Learned counsel for the Petitioner states that the notice of today's hearing was given to the Respondents and the copy of the letter with acknowledgment is placed on record.
3. By this petition, the Petitioner is praying that pending hearing and final disposal of its appeal and stay application before the Central Government Industrial Tribunal-II, Mumbai, the recovery and coercive action under the orders dated 21.11.23 be stayed, because as on today, the said Tribunal is unavailable. In para 9 of the Petition,

a statement is made in that behalf.

4. On instructions, learned counsel for the Petitioner submits that the unavailability continues even today. He submitted that the Petitioner is ready to deposit in this Court, the amount under Section 7Q and part amount even under 14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (for short "the said Act") if necessary.

5. Learned counsel for the Petitioner has relied upon the order dated 07.03.24 passed in Writ Petition No. 3044 of 2024 by which, under similar circumstances, the defaulter was permitted to deposit the amount under Section 7Q of the said Act and interim relief was granted during the pendency of the appeal before the Central Government Industrial Tribunal.

6. Learned counsel for the Petitioner also relied upon the judgment of the Hon'ble Supreme Court in case of *M/s. Shiv Harbal Res. Laboratory Vs. Assistant PF Commissioner*¹ to contend that there is no requirement to deposit the amount payable under Section 14B of the said Act at the time of filing of Appeal. He states that he is ready to deposit the amount payable under Section 7Q of the said Act in this Court.

7. So far as the aspect of deposit under section 14B is concerned, it is necessary to hear the Respondents.

8. In that view of the matter, issue notice to Respondents,

¹ Civil Appeal No. 3001 of 2010, Order dated 05.04.2010.

returnable on **25 June 2024**. *Hum dast* permitted.

9. Until the next date, by way of ad-interim relief, the notice of demand dated 15.05.24 issued to the Petitioner is stayed subject to condition that the Petitioner shall deposit in this Court, an amount of Rs.6,00,485/- (being amount under Section 7Q of the said Act) within one week from today and 50% of Rs.21,46,114/- (being amount payable under Section 14B of the said Act) within a period of three weeks from today. It is clarified that if the amounts are not deposited as stipulated above, the ad-interim relief will stand vacated.

10. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)