

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8544 OF 2024**

M/s. Supreme Facility Management
Ltd. formerly known as (M/s.
Supreme Facility Management Pvt.
Ltd.)

....Petitioner

V/s.

Regional Provident Fund
Commissioner-I, Regional Office II,
Pune-411 044

....Respondent

Ms Samiksha Kanani *for the Petitioner.*

Ms Ranjana Todankar *for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

Dated : 3 July 2024.

P.C. :

1) The challenge in the present petition is to the order dated 3 January 2024 passed by the Regional Provident Fund Commissioner-I, under provisions of 7Q and Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (the Act).

2) Ms Kanani, the learned counsel for the Petitioner would submit that the Petitioner did not receive any summons in respect of the proceedings

initiated by the Regional Provident Fund Commissioner (**RPFC**). However, perusal of order dated 3 January 2024 would indicate that a summons was sent to the Petitioner and as per the speed post tracking report, summons was delivered to the Petitioner on 25 November 2023. Ms Kanani would further submit that since opportunity of hearing could not be availed by the Petitioner an opportunity needs to be given to challenge the order dated 3 January 2024.

3) No doubt an appeal under Section 7I of the Act would lie before the Central Government Industrial Tribunal (**CGIT**) in the event a composite summons is issued in respect of the proceedings under Section 7Q and 14B of the Act. However, under Rule 7(2) maximum period during which the appeal can be filed is 120 days, which is already over.

4) Ms Kanani would invite my attention to the order passed by this Court in *Nandurbar Taluka Vidhayak Samiti's College of Architecture, Nandurbar vs. The Assistant Provident Fund Commissioner*¹. According to her this Court has permitted filing of appeal in the said case even after the maximum permissible period of 120 days from the date of passing of the order had expired. I have gone through the order. It appears that this Court showed indulgence by permitting the Petitioner therein to file appeal beyond the maximum period of limitation only on account of willingness expressed by the Petitioner therein to deposit the entire amount within four weeks.

5) Ms Kanani after taking instructions from the Petitioner, makes a statement that the entire amount arising out of orders dated 3 January 2024

¹ Writ Petition No.1873 of 2013 decided on 03/07/2013

passed under Sections 7Q and 14B of the Act shall be deposited by the Petitioner within six weeks from today. The statement is accepted. She would submit that out of the said demanded amount, an amount of Rs.30 lakhs is already deposited by the Petitioner. If this is the case, then Petitioner will get credit for the said amount and the balance amount will be deposited with the Respondent.

6) Accordingly, the Writ Petition is disposed of by passing following order:-

- (a) Petitioner shall deposit the entire amount arising out of orders dated 3 January 2024 less the amount already deposited, with the Respondent within a period of six weeks from today.
- (b) Petitioner is permitted to lodge appeal before the CGIT to challenge the order dated 3 January 2024 and produce receipt of the deposit of the amount as directed above.
- (c) In the event the appeal is lodged within 6 weeks from today alongwith the receipt of the amount, the Tribunal shall proceed to decide the appeal on merits and shall not dismiss it on the ground of limitation under Section 7(2) of the Rule.
- (d) The Tribunal shall decided the appeal, if filed by the Petitioner, on its own merits, uninfluenced by any of the observations made in the present order.
- (e) Needless to say that if the Petitioner fails to deposit the amount within the time stipulated, Respondent would be at liberty to proceed in accordance with law.

- (f) In the event, Petitioner deposits the amount within the period stipulated, the Respondent shall not take any coercive steps against the Petitioner during the pendency of the appeal.

[SANDEEP V. MARNE, J.]