

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

WRIT PETITION NO. 9046 OF 2024

Shree Saptashree Builders & Developers

Pvt. Ltd.

}Petitioner

: Versus :

Regional Provident Fund Commissioner, EPFO

Regional Office, Thane North

}Respondent

Mr. Pradhyuman M. Bhagat, for the Petitioner.

Mrs. Shehnaz V. Bharucha, for the Respondent.

Coram : Sandeep V. Marne, J.

Dated : 15 July 2024.

P.C. :

1) This petition is filed with a grievance that for Appeal under the provisions of Section 7I of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (**the Act**) against the order dated 28 April 2023 passed under Section 7A of the Act, on account of non-availability of the Presiding Officer in the Central Government Industrial Tribunal-I, the Petitioner is prevented from exercising the remedy of Appeal. It is Petitioner's case that it has filed an application for waiver of deposit of the amount reflected in the order dated 28 April 2023 and on account of non-availability of the Presiding Officer, the said application is not being taken up. In the meantime, recovery proceedings are apparently initiated against the Petitioner on 17 April 2024 for recovery of the amount payable under order dated 28 April 2023.

2) I have heard Mr. Bhagat for the Petitioner and Ms. Bharucha, the learned counsel appearing for the Respondent.

3) After having heard the learned counsel appearing for the parties and after having gone through the impugned order dated 28 April 2023, I am of the view that the Petitioner needs to be given an opportunity to exercise the remedy of Appeal under Section 7I of the Act. However, at the same time, there cannot be any blanket stay to the order dated 28 April 2023 in absence of any deposit being made by the Petitioner.

4) Considering the facts and circumstances of the present case, I am of the view that the Petitioner be directed to deposit approximately 50% of the demanded amount with the Regional Provident Fund Commissioner for staying the effect of the order dated 28 April 2023. Accordingly, Petitioner shall deposit with the Regional Provident Fund Commissioner-II, Regional Office, Thane (North), amount of Rs.12,00,000/- within a period of four weeks from today. If the amount is so deposited, the order dated 28 April 2023 shall not be enforced during the pendency of Appeal filed by the Petitioner. The CGIT-I shall proceed to decide the Appeal filed by the Petitioner on its own merits, without being influenced by any of the observations made in the present order. With the above directions and keeping open all the issues raised in the petition, the Writ Petition is **disposed of**.

5) It is made clear that if Petitioner fails to deposit the amount as directed by this Court, the order dated 28 April 2023 shall be enforced against the Petitioner.

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[Sandeep V. Marne, J.]