

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

WRIT PETITION NO. 9047 OF 2024

M/s. Anchorage Manpower

}*Petitioner*

: *Versus* :

Regional Provident Fund Commissioner,
EPFO, Regional Officer, Kandivali (W),
Mumbai

}....*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) The petition is filed challenging the order dated 29 July 2022 passed by the Regional Provident Fund Commissioner-II under the provisions of Sections 7Q and 14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (**the Act**).

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

3) His contention is that the Petitioner did not receive any summons before passing of order dated 29 July 2022 and that therefore Petitioner was completely oblivious about conduct of any hearing or passing of order dated 29 July 2022. He would further submit that the knowledge about the said orders came to be acquired by the Petitioner only when Petitioner's wife received a telephone call for recovery of amounts in pursuance of order dated 29 July 2022. He would submit that on account of the period of limitation prescribed under Section 7I of the Act, Petitioner would not be in a position to exercise the remedy of Appeal.

4) Ms. Bharucha, on the other hand, would strongly oppose the petition submitting that once the maximum period of limitation is over, the Appeal filed by the Petitioner cannot be entertained. That the orders have attained finality and that therefore no interference is warranted in the said orders by this Court.

5) It appears that in Writ Petition No. 8544 of 2024 (**M/s. Supreme Facility Management Ltd. V/s. Regional Provident Fund Commissioner-I,**) decided on 3 July 2024 this Court has permitted filing of Appeal, subject to some conditions even after maximum permissible time for filing of Appeal under Section 7I of the Act. Since the Petitioner in the present case has taken a stand that he did not receive summons before passing of order dated 29 July 2022, in my view, Petitioner needs to be given an opportunity to file Appeal before the Tribunal. The Appeal can obviously not be entertained unless the amount determined under Section 7Q of the Act is deposited.

6) Accordingly, the Petitioner shall deposit the amount of Rs.4,26,142/- with the Respondent within a period of 4 weeks from today. The Petitioner would be at liberty to file Appeal against the orders dated 29 July 2022 under the provisions of Section 7I of the Act and produce receipt of payment of amount of Rs.4,216,142/-. Only if the receipt of payment of amount is produced alongwith the Appeal, the Tribunal shall proceed to decide the Appeal on merits without raising the issue of limitation. With the above directions, the Writ Petition is **disposed of**.

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[SANDEEP V. MARNE, J.]