

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12377 OF 2024**

Hexaware Technology Ltd.

....Petitioner**V/s.**

Regional Provident Fund

Commissioner-I

....Respondent

Ms. Samiksha Kanani *a/w Mr. Prasanna Pawar, for the Petitioner.*

Mr. Sandeep Kumar Singh *i/b Gunjan Chaubey, for the Respondent.*

CORAM : SANDEEP V. MARNE, J.**Date : 9 SEPTEMBER 2024.****P.C. :**

1) The learned counsel appearing for Respondent has placed on record corrigendum dated 5 September 2024 issued by the Regional Provident Fund Commissioner-I, in which the time for payment of the amount is now reflected as 60 days.

2) There is a provision for filing substantive Appeal under Section 7I of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (**the Act**). Accordingly, the Petitioner will have to exercise the statutory remedy of Appeal.

3) In the light of existence of statutory remedy of Appeal, the present Petition cannot be entertained against the order dated 12/13 August 2024.

4) At this stage, Ms. Kanani would submit that the Appeal would go before the Central Government Industrial Tribunal No.I which is vacant and only additional charge is handed over to the Presiding Officer at New Delhi. If that is the case, the application for grant of interim relief, as and when filed by the Petitioner, will have to be moved before the learned Presiding Officer holding the charge and I do not see any reason why the said Presiding Officer would not entertain and decide the application for interim relief.

5) Accordingly, the Writ Petition is disposed with liberty to the Petitioner to file Appeal under provisions of Section 7I of the Act. All the questions raised in the Petition are expressly kept open. If Petitioner files application for interim stay, the learned Presiding Officer holding charge of CGIT-I Mumbai shall consider and decide the same in an expeditious manner.

[SANDEEP V. MARNE, J.]

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