

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

WRIT PETITION (STAMP) NO.31839 OF 2024

M/s. Hexaware Technologies
Limited

...Petitioner

Versus

Regional Provident Fund
Commissioner-I, Vashi

...Respondent

Mr. Kiran Bapat, *Senior Advocate with Mr. Jeevan Ballav Panda, Mr. Abhinav Rastogi, Ms Jyoti Sinha, Ms. Yashvi Kanojia i /b. M /s. Khaitan & Co. for the Petitioner.*

Mr. Gunjan Chaubey *with Mr Chaitanya Shirasao for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

Dated : 14 November 2024.

P.C. :-

1) Heard Mr. Kiran Bapat, the learned senior advocate appearing for the Petitioner.

2) Limited grievance raised in the present Petition is about non-availability of forum for deciding the Appeal lodged by the Petitioner under the provisions of Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (**the Act**) for consideration of Application for stay as well as for decision on Application under Section 7-O of the Act for waiver of deposit.

3) Mr. Bapat would point out that no Presiding Officer is available in Central Government Industrial Tribunal No.1 (**CGIT-I**), Mumbai. Mr. Chaubey, the learned counsel appearing for the Respondent would confirm the position that after 17 September 2024, charge of CGIT-I, Mumbai is not available with any other Presiding Officer. In these circumstances, Mr. Bapat would suggest slightly unusual course of action by permitting the Petitioner to prosecute the Appeal, Application for stay and Application for waiver of deposit before the learned Presiding Officer of CGIT-II, Mumbai. He would draw my attention to similar course of action adopted by this Court in ***Thane District Central Co-op. Bank Ltd. Vs. Regional PF Commissioner-I and Others***¹. Mr. Chaubey has no serious objection to such course of action. Mr. Bapat would submit that Appeal under Section 7-I of the Act has already been lodged in the registry and all that needs to be done is to issue a direction to assign the said Appeal to CGIT-II, Mumbai.

4) Writ Petition is accordingly **disposed of** by directing the Registrar, CGIT to place the Appeal filed by Petitioner with CGIT-I before the learned Presiding Officer of CGIT-II for the limited purpose of deciding the Application for stay and Application for waiver of deposit. Mr. Chaubey would fairly submit that with a view to enable the Petitioner to press the said Applications, Respondent shall not implement the impugned order for a period of two weeks from today. Statement is accepted.

1 2018 SCC OnLine Bom 19236

- 5) All points raised on merits are expressly kept open.

[SANDEEP V. MARNE, J.]