

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

WRIT PETITION NO.17807 OF 2024

Cosmos Real Estate

....Petitioner

V/S

Regional Provident Fund Commissioner II

....Respondent

Ms. Samiksha Kanani *for the Petitioners.*

Mr. Sunil Surana *for Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATE : 13 DECEMBER 2024.

P.C.:

1. The Petitioner is aggrieved by order passed by the Regional Provident Fund Commissioner (**RPFC**) on 9 October 2024 under provisions of section 8F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (**the Act**), by which Petitioner's Bank was directed to remit the amount of Rs.1,55,45,172/- recoverable in terms of order dated 31 May 2024 passed under provisions of section 7B of the Act. It appears that initial order under provisions of section 7A of the Act was passed on 10 December 2019 ascertaining the liability of the Petitioner at Rs.1,55,45,172/-. Petitioner filed Application for review under provisions of section 7B of the Act, which came to be decided by order dated 31 May 2024, in which again the same liability of Rs.1,55,45,172/- is ascertained against the Petitioner.

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2. Petitioner has lodged an Appeal under provisions of section 7I of the Act before the Central Government Industrial Tribunal No.1, Mumbai (CGIT) on 25 July 2024 and has also filed an Application under provisions of section 7O of the Act for waiver of deposit of 75% of the ascertained amount. It is the complaint of the Petitioner that due to non-availability of the Presiding Officer, CGIT No.1, Mumbai, the Application for waiver of deposit as well as for stay of order dated 31 May 2024 is not being heard. In the meantime, Petitioner complains, the RPFC has proceeded ahead and issued an attachment order under provisions of section 8F of the Act on 9 October 2024. It appears that in pursuance of order dated 9 October 2024, Petitioners' Banker (Jalgaon Janta Sahakari Bank Limited) has remitted an amount of Rs.82,99,000/- to RPFC on 11 October 2024.

3. In the above circumstances, the course of action that can be adopted is to request the Tribunal to consider and decide the Application filed by the Petitioner for waiver of deposit as well as stay of the order in an expeditious manner. I am informed that the charge of CGIT No.1, Mumbai was with CGIT, New Delhi. However, even the Presiding Officer of CGIT, New Delhi is also not available. Accordingly the Petitioner shall forthwith move an application to the Registry of the Tribunal to place the application for stay as well as application for waiver before the learned Presiding Officer of CGIT No.2, Mumbai. The Presiding Officer is requested to decide the application for waiver and

application for stay within a period of four weeks. Till decision of such applications, Respondent shall not make any further recovery from the Petitioner.

4. With the above directions, the Writ Petition is **disposed of**.

(SANDEEP V. MARNE, J.)