



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 194/2023

M/s Abhijeet Intelligence Security & Labour Supplier and another
Vs.
Ministry of Agriculture, Through its Chief Secretary, Krishi Bhawan,
Room No. 120, First Floor, Dr. Rajendra Prasad Road, New Delhi and
others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Dr. Tushar Mandlekar, Adv. with Mr. Mahendra Limaye, Mr. Tejas V.Fadanvis, Ms. Gayatri Sharma, Advocates for Petitioners
Mr. N.S. Deshpande, DSGI for Respondent No.1
Mr. S.S. Ghate, Advocate for Respondent No.2
Mr. A.C. Dharmadhikari, Advocate for Respondent No.3
Mrs. Sonali Saware – Gadhave, Advocate for Respondent No.4

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 9th SEPTEMBER, 2024

1. Mr. T.D. Mandlekar, learned counsel for the petitioners, on instructions, does not press the petition, vis-a-vis, a relief challenge to the tender, but restricts the challenge to black listing.

2. Heard finally with the consent of the parties.

3. The petition questions communication dated 27.5.2016, by which the petitioners have been black listed by the respondent No.3 (page 54) for not having paid the EPF dues for the duration 01.4.2010 to September, 2011. Mr.

Mandlekar, learned counsel for the petitioners invites our attention to the order dated 24.12.2014, under Section 7-A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, passed by the Assistant Provident Fund Commissioner, Regional Office, Nagpur, which indicates, that the difference of quantum of dues on account of EPF for the duration August, 2001 to September, 2013 payable by the petitioner - establishment was determined as Rs.3,21,094/-, which includes the aforesaid duration. This amount was paid by the petitioners by virtue of cheque No. 703922 drawn in favour of the Regional PF Commissioner. Mrs. Saware, learned counsel for the respondent No.4 does not dispute, that this cheque has been encashed and the amount credited to the account of the Provident Fund Commissioner. That being the position, the impugned order, which is dated 27.5.2016, black listing the petitioners for non - payment of PF dues for the duration 01.04.2010 to September, 2011, cannot be sustained as the difference in PF already stood paid by the aforesaid cheque dated 24.03.2015 in pursuance to the order dated 24.12.2014 (page 59) and is hereby quashed and set aside.

4. Needless to say, any inquiry by the PF Commissioner for recovery of any dues consequent to 2013, shall continue independently.

5. Needless to say, any deposit of the petitioners withheld by the respondent No. 3 on account of the aforesaid black listing shall be refunded to the petitioners within a period of four weeks from today.

6. The petition is accordingly allowed in the above terms. No costs.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)