



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

WRIT PETITION NO.1748 OF 2024

Bhartiya Sindhu Sahakari Pat Sanstha Maryadit Akola, through its Manager, Shri
Vimlesh Shyamsunder Pande .Vs. Regional Provident Funds Commissioner-II,
Akola, Tq. And Dist. Akola and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vidit Lohiya, Adv. h/f Shri D.R. Khapre, Adv. for petitioner.
Shri H.N. Verma, Advocate for respondent No.1.
Ms M.P. Munshi, Advocate for respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 07/05/2024

1. The challenge raised in this petition is to the order dated 04.03.2024 passed by the Employees Provident Fund Organization, Akola under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. (hereinafter referred to as "the Act of 1952"), on the ground that, before passing the final order, application for issuance of summons to the witnesses and the application for issuance of notice to the pigmy agents were not decided though it was pending before the respondent No.1. Furthermore, it is submitted that no hearing was granted and the cross-examination was not permitted.

2. The petition is opposed by the learned counsel for the respondents on the ground that, cross-examination was permitted however, the learned counsel for the

respondents fairly admits that the application for issuance of summons to the witnesses was not decided before passing the impugned order.

3. In that view of the matter, I am of the opinion that the matter needs to be remanded back to the respondent No.1 for deciding the same afresh after deciding the application for issuance of summons to the witnesses and the application for issuance of notice to the pigmy agents and after hearing the petitioner.

4. As far as the objection as regards the cross-examination which according to the petitioner, was permitted by providing questionnaire, the respondent No.1 may consider the said objection as regards cross-examination before deciding the matter afresh. Accordingly, I pass the following order :

- i) The writ petition is **partly allowed**.
- ii) The impugned order dated 04.03.2024 passed by the respondent No.1 is hereby quashed and set aside and the matter is remanded back to the respondent No.1 on the above referred terms.

- iii) The petitioner is directed to appear before the respondent No.1 on **20.05.2024** at 12.00 noon thereupon, the respondent No.1 may decide the application for issuance of summons and the application for issuance of notice to the pigmy agents and the proceeding under Section 7-A of the Act of 1952, within **two months** therefrom.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE