



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

Writ Petition (WP) No. 6171 of 2023

The Berar General Education Society, Akola through its President Shri
Motising Ghanshyamdas Mohta

Versus

Regional Provident Fund Commissioner-II and another

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

Court's or Judge's Order

Shri M.G.Sarda, Advocate for the petitioner.

Shri H.N.Verma, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 3rd MAY, 2024.

Heard.

2. Order dated 30th June, 2023, passed by the Regional PF Commissioner-II, Regional Office-Akola rejecting the application for review filed under Section 7B of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952, is under challenge in this writ petition.

3. The only ground raised in this writ petition is that before passing the impugned order, no hearing was granted to the petitioner.

4. Learned counsel for the respondent-Regional Provident Fund Commissioner-II and Assistant Provident Fund Commissioner fairly admits that no hearing was granted to the petitioner before passing such order. However, it is submitted that since

the authority has found that no evidence or document or new facts were stated in the application, therefore, hearing was not granted.

5. The reasons cited by the respondent for not granting opportunity of being heard, cannot accepted, as the order passed by the respondent no.1 is adverse to the interest of the petitioner.

6. In that view of the matter, I have no hesitation to hold that the impugned order suffers from principle of natural justice. Hence, the only option left is to remand the matter back to the respondent no.1- Regional PF Commissioner-II Regional Office-Akola to decide the review application 7B of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 afresh after hearing the petitioner. Accordingly, I pass the following order.

- i. The writ petition is partly allowed;
- ii. The order dated 30th June, 2023 passed by the Regional PF Commissioner-II, Regional Office-Akola is hereby quashed and set aside;
- iii. The petitioner is directed to appear before the respondent no.1-Regional PF Commissioner-II Regional Office-Akola on **16th May, 2024** at 12 noon. Thereupon the respondent no.1 may decide the review application at the earliest.

[ANIL S. KILOR, J.]