

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.1571/2019

(The Central Board of Trustees, Employees Provident Fund Organization, through the Regional
 Provident Fund Commissioner, Akola V/s. R.V.P.R.T. Ayurved Mahavidyalaya, Akola)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. H.N. Verma, Counsel for petitioner.

Mr. Dnyanesh Patil, Counsel h/f Mr. Anand Deshpande, Counsel for respondent.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED : 28.2.2024.

Heard.

2. In this petition, a challenge is raised to the order dated 08.09.2015, rejecting the application under Section 7-L(2) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act of 1952") for rectification of order dated 18.10.2007 passed by the Employees Provident Fund Appellate Tribunal, New Delhi.

3. The application was rejected on the ground that it was barred by limitation. The justification to say that it was within limitation, it is argued that the petitioner received the order on 16.06.2010 and therefrom the proceeding was filed within five years i.e. within limitation.

4. Considering the submission made by the learned counsel for the petitioner, it is necessary to refer to the provision of Section 7-L(2) of the Act of 1952, which reads thus:

"Section 7-L Orders of Tribunal.-

(1) ...

(2) A Tribunal may, at any time within five years *from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal:*

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard."

5. In the present matter, undisputedly, even if the date of receipt of letter is considered as 16.06.2010, the petitioner had sufficient time to make an application for rectification, within five years from the date of order. The limitation of five years from the date of order lapsed on 15.10.2012, whereas, the order was received by the petitioner on 16.06.2010.

6. Moreover, even on merit, considering the rectification the petitioner is seeking in the last part of the order, according to me, it is beyond the scope of Section 7-L(2).

7. In the circumstances, I do not find any error committed by the learned Employees Provident Fund Appellate Tribunal, New Delhi in rejecting the application under Section 7-L(2) of the Act of 1952. Accordingly, the petition is dismissed.

(MRS. VRUSHALI V. JOSHI, J.)