



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

WRIT PETITION NO. 3237 OF 2024

Seth Constructions, Nagpur

V/s

The Recovery Officer & The Asstt Provident Funds Commissioner, Nagpur

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

Court's or Judge's Order

Mr. A.J.Pathak, counsel for the petitioner.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/05/2024.

1. Heard.
2. Issue notice to the respondent, returnable on 14/06/2024.
3. In this petition, the challenge is raised to the notice of demand dated 15/05/2024 issued by the Recovery Officer, Assistant Provident Fund Commissioner. The details of recovery amount are given in the impugned communication at Annexure-B.
4. Mr. A.J. Pathak, learned counsel for the petitioner submits that appeal against the order under Section 14B of the Employees Provident Fund and Misc. Provisions Act, 1952, is pending, however, the tribunal is not functioning because of vacancy. In order to show that there is a vacancy at Nagpur, he has annexed the document, which show there is a vacancy at Nagpur, which means that there is no Presiding Officer at Nagpur.

5. Mr. A.J.Pathak, learned counsel for the petitioner further prayed for ad-interim relief and shown his willingness to deposit 25% of the recovery amount to show his bonafides.

6. In the above circumstances, stay to the operation of the execution of order dated 15/05/2024 issued by the respondent is granted, subject to the condition that the petitioner shall deposit 25% of recovery amount within two weeks from today before this Court. On failure to deposit the amount, the stay granted shall stands vacated automatically.

[URMILA JOSHI-PHALKE, J.]