



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

Writ Petition No.3288/2024

ujyoti India Pvt. Ltd. V the Recovery Officer and Assistant Provident Funds Commissioner,
Nagpur)

(Vacation Court)

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

Court's or Judge's orders

Mr. A.J. Pathak, Advocate for Petitioner.

CORAM : Abhay J. Mantri, J.

DATE : 31-05-2024.

Heard learned Advocate for the Petitioner.

2. The petitioner is challenging the initiation of recovery of the amount pursuant to the order dated 30-10-2023 as well as issuance of the recovery certificate dated 16-05-2024.
3. Learned Advocate for the petitioner submitted that against the order dated 30-10-2023, the petitioner has preferred an appeal under Section 7-I of the Employees Provident Fund and Misc. Provisions Act, 1952 (for short, 'the said Act') before the Central Government Industrial Tribunal and the Employees Provident Funds Appellate Tribunal at Nagpur. He further submitted that since long the post of the Presiding Officer of the Tribunal has been vacant. Therefore, despite filing the appeal he could not seek any relief. Hence, he has preferred this petition.

4. He has further drawn my attention to Sections 7-A, 7-B, 7-I, and 14-B of the said Act. He submits that the petitioner is ready to deposit the interest amount i.e. Rs.3506/- before the Competent Authority within a period of two weeks. However, the petitioner is disputing the calculation of the damages under Section 14-B of the said Act.

5. Having considered the said fact, it seems that, despite filing the appeal before the Tribunal, due to the non-availability of the Presiding Officer, he could not seek the relief of grant of stay. The petitioner has shown his readiness to deposit the interest before the Competent Authority as well as part amount of Rs.1 Lakh towards the damages, before this Court, without prejudice to its right within a period of two weeks from today.

6. That being so, I think, it would be proper to restrain the respondent Authority from taking action in pursuance of the Recovery Certificate dated 16-05-2024 till further orders. As such the order.

i) Interim relief in terms of prayer clause 'B' is granted subject to deposit of the interest amount before the

Competent Authority as well as part amount of Rs.1 Lakh towards the damages before this Court without prejudice to its right within a period of two weeks from today.

ii) It is made clear that if the petitioner fails to comply above condition, then this order shall cease automatically without further reference to the Court.

7. Issue notice to the respondent, returnable on 23-07-2024.

(Abhay J. Mantri, J.)