



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

WRIT PETITION NO.4559/2024

M/s Apex Buildsys Ltd. Vs. Assistant Provident Fund Commissioner,
through Sub Regional Office (EPFO).

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

Court's or Judge's order

Mr. P.R. Patil, Advocate h/f Mr. R.P.Masurkar, Advocate for petitioner.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : AUGUST 5, 2024.

Heard Mr. P.R. Patil, Counsel h/f Mr. R.P. Masurkar,
Counsel for the petitioner.

2. The prayer is for issuance of directions to the respondent to accept filing and register the appeal preferred by the petitioner against the impugned order dated 6th November, 2023.

3. The order dated 6th November, 2023 is passed in exercise of powers under Section 7Q of the Employees Provident Funds and Miscellaenous Provisions Act, 1952.

4. It appears that the petitioner has delayed the Provident Fund contribution of dues for the period from 1.12.2021 to 10.10.2023.

5. The impugned order directs by way of an interim order that the petitioner to deposit Rs.32,58.333/- in exercise of

powers under Section 7Q of the Employees Provident Funds and Miscellaenous Provisions Act, 1952.

6. It is the contention of the petitioner that in view of the order of the National Company Law Tribunal delivered in (IB)-706 (PB)/2018 dated January 9, 2020, a liquidator was appointed on the petitioner Company. According to him, an order of Moratorium was passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 which is ordered to be ceased to have its effect.

7. In this backdrop, when confronted as to the aforesaid fact, learned counsel for the petitioner seeks time to prepare and address the Court on the aforesaid issue.

8. Apart from above, counsel for the petitioner seeks time to satisfy on the issue of maintainability of the appeal against an order passed under Section 7-Q of the Employees Provident Funds And Miscellaneous Provisions Act, 1952.

9. Stand over to 19th August, 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)