

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1475 OF 2025

Central Board of Trustees, EPF,
Through Assistant Provident Fund
Commissioner

...Petitioner

V/s.

M/s. Abhinav Education Society

...Respondent

Mr. Ravi S. Rattesar *a/w Malcolm Vaz, for the Petitioner.*

Ms. Samiksha Kanani, *for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATE : 6 MAY 2025.

P.C.:

1) Motion is made for speaking to the minutes of the order dated 1 April 2025.

2) Ms. Kanani, the learned counsel for the Respondent would submit that an erroneous statement was made by her during the course of hearing of the petition on 1 April 2025 that amount of Rs.50,00,000/- deposited in pursuance of order passed by this Court on 19 March 2019 was in addition to the amount of Rs.56,30,421/- already paid by the Respondent-Establishment. She now clarifies that the amount of Rs.50,00,000/- deposited in

pursuance of order dated 19 March 2019 forms part of the total deposit of Rs.56,30,421/-. Ms. Kanani would express apology for making an erroneous statement before this Court during the course of hearing on 1 April 2025.

3) Perusal of findings recorded by this Court in paragraph 6 of the order would indicate that this Court has considered the figure of Rs.56,30,421/- to represent 25% of the final ascertained amount under provisions of Section 7-O of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Tribunal has necessary discretion in determining the percentage of amount to be deposited for taking up the appeal for hearing on merits.

4) In that view of the matter though the statement made on behalf of the Respondent-Establishment is found to be erroneous, the same would not have any reflection on the ultimate result of the writ petition.

5) This Court accordingly expresses displeasure about the manner in which erroneous statement was made before this Court during the course of hearing of the petition on 1 April 2025.

6) Accordingly, the following corrections be carried out in the order dated 1 April 2025:

- (i) Paragraph no.5 of the order be deleted.

(ii) Paragraph no.6 be renumbered as paragraph no.5.

(iii) In the renumbered paragraph no.5, the observations “ In my view, out of the final ascertained amount of Rs.2,20,83,092/- either there is a deposit of almost 25% amount of Rs.56,30,421/- or 50% amount if the deposit is made of Rs.50,00,000/- in pursuance of order passed by this Court is taken into consideration” be replaced by the following observations:

“In my view, out of the total ascertained amount of Rs.2,20,83,092/- Respondent-Establishment has already made a deposit of almost 25% amount of Rs.56,30,421/-.”

(iv) Throughout the order dated 1 April 2025, the word ‘**CJIT-2**’ be replaced by the word ‘**CGIT-2**’.

7) The order dated 1 April 2025 be corrected and read accordingly.

[SANDEEP V. MARNE, J.]