

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3550 OF 2025**

Tushar S. Lande Patil

...Petitioner

V/s.

The Recovery Officer and Regional
Provident Fund Commissioner-I,
Pune and Anr.

...Respondents

Mr. Vivek V. Salunke *for the Petitioner.*

Mrs. Snehal S. Jadhav, *AGP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 11 March 2025.

P.C. :

1) Petition challenges show cause notice dated 14 January 2025 issued towards execution of the Recovery Certificate and Notice of Demand dated 10 April 2023. The Recovery Certificate was issued in terms of order passed under the provisions of Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (**the Act**) under which an amount of Rs.24,67,515/- has been assessed against M/s. G.B. Industries Pvt. Ltd. Petitioner is described as a director of the said company in the show cause notice dated 14 January 2025. Neither the Company nor the Petitioner has challenged order

passed under the provisions of Section 7A of the Act. In the replies given to the said show cause notice as well as in the Petition, bald statements are made that Petitioner was never a director in the said company. However, no documentary evidence is produced either before the Regional Provident Fund Commissioner or before this Court to demonstrate as to who are the actual directors of the said company. Petitioner has not even bothered to produce copy of order passed under the provisions of Section 7A of the Act. It would be too dangerous to accept the bald statement made on behalf of the Petitioner that he was never a director of the said company, in absence of any documentary evidence. Petition appears to have been actually filed without taking any pains to collect copy of order passed under the provisions of Section 7A of the Act as well as documents from the office of Registrar of Companies indicating names of directors of the company. If the show cause notice for arrest warrant could be served on the Petitioner on the address of the company, I do not see any reason why Petitioner would not receive order passed under the provisions of Section 7A of the Act. Considering the casualness with which the Petition is filed, I am not inclined to entertain the same.

2) Mr. Salunkhe, the learned counsel appearing for the Petitioner would rely upon judgment of this Court in ***Carona Ltd. and another V/s. Regional Provident Fund Commissioner and others***¹. The judgment in ***Carona Ltd.***

¹ 2007 SCC OnLine Bom 1351

(supra) is rendered in the facts of that case and cannot be cited in support of an absolute proposition of law that in no case initiation of proceedings for civil arrest of a person liable for provident fund dues, can be initiated.

3) Considering the unique facts and circumstances of the present case, where the company has not disputed the liability coupled with the fact that Petitioner has not produced any document for inferring that he was never a director to the company, this Court is not inclined to entertain the present Petition. Jurisdiction of this Court under Article 227 of the Constitution of India is corrective in nature and the same need not be exercised to correct every error of law or fact. So long as the Petitioner is not able to make out a case that the company or its director are not liable to pay amount assessed under the provisions of Section 7A of the Act, frivolous petition filed by the Petitioner seeking to deny relationship as director with the company, without producing any documentary evidence, cannot be entertained. Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]