

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4156 OF 2025

Vighnesh Satish Nare

...Petitioner

V/s.

Regional Provident Fund
Commissioner- II

...Respondent

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Ms. Samiksha Kanani, *for the Petitioner.*

Mr. Mahendra Mukund, *for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATE : 5 MAY 2025.

P.C.:

1) It appears that the orders dated 12 April 2023 were passed against the proprietor of the establishment M/s Maa Krupa Enterprises. It appears that at the relevant time Mr. Satish Vishnu Nare was the proprietor of the establishment M/s Maa Krupa Enterprises. He was served with notices/summons in respect of proceedings initiated under Sections 14B and 7Q of Employees' Provident Funds and Miscellaneous Provisions Act, 1952. However, despite receipt of summons, he failed to appear before the Regional Provident Fund Commissioner, which has led to passing of two separate orders on 12 April 2023. However, it appears that Mr. Satish

Vishnu Nare passed away on 27 March 2022 during pendency of the proceedings. Petitioner is the Son of late Satish Vishnu Nare and claims immunity in respect of liability incurred by his father under the provisions of the Act. It is submitted that the liability ascertained vide order dated 12 April 2023 cannot be recovered from the personal assets of the Petitioner.

2) In the peculiar facts and circumstances of the present case, where orders under Sections 14B and 7Q are passed when late Satish Vishnu Nare had already passed away, in my view an opportunity needs to be granted to the Petitioner, who is now sought to be roped in under definition of the term 'employer', under Section 2(e) of the Act. It appears that the proceedings have gone uncontested on account of non-appearance of the father, who has passed away during pendency of the proceedings.

3) In that view of the matter, leave needs to be granted to challenge order dated 12 April 2023 in the present Petition. Leave is granted. Amendment to be carried out forthwith. With a view to grant an opportunity to the Petitioner to defend himself in respect of proceedings under Sections 14B and 7Q of the Act, the proceedings deserve to be remanded by setting aside the orders dated 12 April 2023.

4) Petition succeeds partly. Orders dated 12 April 2023 passed under provisions of Sections 14B and 7Q of the Act are

accordingly set aside. Proceedings are remanded before the Regional Provident Fund Commissioner, who shall decide the same afresh. Petitioner shall appear before Regional Provident Fund Commissioner- (II), Regional Office Vashi on 13 May 2025 and seek further direction for fixation of date(s) of hearing in the proceedings. It shall not be necessary to issue a separate notice/summons of the proceedings to the Petitioner. The proceedings shall be decided by the RPFC on its own merits without being influenced by any of the observations made in the order.

- 5) All the contentions of parties on merits are expressly kept open.
- 6) With the above directions, the Petition is partly allowed.
- 7) Since the orders themselves are set aside, any precipitative steps taken for enforcement of the orders be forthwith recalled.
- 8) Parties to act on authenticated copy of this order.
- 9) It is clarified that this course of action is being adopted in the light of peculiar facts and circumstances of the present case.

[SANDEEP V. MARNE, J.]