

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6780 OF 2025

M/s. Sinhagad Technical Education Society .. Petitioner
Versus
Regional Provident Fund Commissioner – I .. Respondent

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- Ms. Samiksha Kanani, Advocate for Petitioner.
 - Mr. Laukik Palekar a/w. Mr. Arsh Misra, Advocates for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 17, 2025

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board forthwith for hearing and disposal by consent of parties.
- 2.** Heard Ms. Kanani, learned Advocate for Petitioner and Mr. Palekar, Advocate for Respondent who appears on Notice. Mr. Palekar filed affidavit-in-reply which is taken on record.
- 3.** Perused the praecipe dated 17.06.2025, the Writ Petition and affidavit-in-reply.
- 4.** The Writ Petition is filed by Petitioner in view of excessive action taken by Respondent in respect of seeking recovery under three impugned orders passed under Section 7A of Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short '**the said Act**') dated 04.03.2025, under Section 7B of the said Act dated 07.05.2025

and Section 8F of the said Act dated 15.05.2025 in statutory proceedings. Admittedly and undisputedly after the date of passing of order dated 14.05.2025, Respondent have effected recovery of Rs. 48 Lakhs from five bank accounts which belong to Petitioner by seeking attachment of the said bank accounts. The details of recovery effected is appended at page No.11 in paragraph No.4.12 of the Petition. This was without recourse to and pursuant to attachment of the five bank accounts after passing of the above 3 impugned orders. *Prima facie*, it is seen that Petitioner has filed statutory Appeal under 7-I of the said Act immediately after passing of the order under Section 8F on 26.05.2025 alongwith Application seeking the stay and waiver of deposit. The said statutory Appeal is pending before Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai (for short '**CGIT – 2**'). Simultaneously this Petition was filed and moved in the May vacation. A grievance is made on merits by Ms. Kanani in respect of grounds stated in paragraph No.5 of the Petition. I have read the said grounds which are addressing the liability of Petitioner on merits. I need not detain myself on merits since statutory Appeal has been filed.

5. Mr. Palekar has filed Affidavit-in-Reply dated 14.06.2025 today and drawn my attention to the same. He has additionally placed on record order dated 30.05.2025 passed by the Vacation Bench. He has drawn my attention to paragraph No.3 of the order

wherein it has been stated that ad-hoc deposit of Rs.1.5 Crores if made, Court would be inclined to consider de-freezing of the accounts. He would therefore persuade the Court to consider the same order if Court is inclined to call upon the Petitioner to show its *bonafides*. *Prima facie* order dated 30.05.2025 is *sans* reasons and therefore I am not inclined to accept the submission made by the Advocate for the Respondent as contained in paragraph No.3 thereof.

6. That apart, the said order was made during vacation when the plea for de-freezing of the accounts was made by the Petitioner.

7. Today when the matter is mentioned before me for circulation and urgent ad-interim relief, in view of the issue involved and pleadings being complete, I have taken it up for hearing and disposal forthwith in view of exigency involved and made out by Ms. Kanani, learned Advocate for Petitioner. In the above facts no purpose will be served in keeping the Petition pending by passing any interim / ad-interim order.

8. It is seen that Petitioner is an Educational Institute employing more than 1000 employees catering to various faculties. De-freezing of the five Bank accounts of the Petitioner virtually leads to civil death of the Educational Institute, its functioning and jeopardizes its operation. In so far as ascertaining the *bonafides* of Petitioner in the present case are concerned, I am considering and

taking into account the fact that Respondent has already effected recovery of Rs.48 Lakhs in the interregnum after passing of the order under Section 7B of the said Act. This position is undisputed and admitted by the Respondent's Advocate. It is also seen that the order under Section 7B has been passed intentionally after lapse of 60 days but the same shall be decided by the Appellate Authority in the pending statutory Appeal filed by Petitioner. Having effected recovery of Rs.48 Lakhs in my opinion would be good enough at this stage for me to consider, grant and allow the present Writ Petition with the following directions:-

- (i) Statutory Appeal filed before CGIT-2, copy of which is appended at page No.59 of the Writ Petition is directed to be heard and decided by CGIT-2 as expeditiously as possible and in any event within a period of six (6) months from today;
- (ii) Until the disposal of the Statutory Appeal, Respondent shall not take any coercive steps whatsoever for recovery against Petitioner with respect to the impugned orders;
- (iii) The amount of Rs. 48 Lakhs recovered by the Respondent from the Petitioner's Bank accounts is directed to be held by Respondent in escrow and the

same shall be governed by and shall be subject to the decision passed in the Statutory Appeal decided by CGIT-2;

- (iv) Following Bank Accounts of Petitioner which are attached and frozen due to Respondent's directions are directed to be immediately released from attachment forthwith on Petitioner serving a server copy of this order on the Branch Manager of the respective Banks wherein the said Bank Accounts are held:-

Sr. Nos.	Bank Name and Branch	Account Name	IFSC	Account Nos.
1.	TJSB Bank, J M Road, Pune	Sinhgad Institute of Technology and Science	TJSB0000017	017120100001801
2.		Sinhgad Technical Education Society		017140300000026
3.	Bank of India, STES Ambegaon, Pune	Sinhgad Technical Education Society	BKID0000554	055420110000018
4.	HDFC Bank, Mayur Colony, Kothrud, Pune	Sinhgad Technical Education Society	HDFC0000149	01498630000154
5.	Bank of Maharashtra, Lonavala	Sinhgad Technical Education Society	MAHB0000075	600469810061
6.		Sinhgad Boys Hostel	MAHB0000075	60046968153
7.		SKN Sinhgad Institute of Technology and Science	MAHB0000075	60305284637

(iv) The Branch Manager of the aforesaid 4 Banks are directed to act on the basis of a server copy downloaded from the website of the High Court and made available to them by the Petitioner and immediately de-freeze and release the said accounts from attachment without waiting for any letter or communication from the Respondent; Petitioner shall be entitled to utilise the aforesaid Bank accounts in the usual and normal course of business.

9. Ms. Kanani has expressed several grievances with respect to findings and observations in the impugned order, *inter alia*, relating to computation in respect of assessment of liability and therefore she desires disclosure from the Respondent. If Petitioner has any grievance, Petitioner is free to approach the Appellate Authority with appropriate Interim Application to that effect before the Appeal is heard.

10. It is clarified that though Petitioner has substantiated several grounds against passing of the impugned order, I have not expressed any opinion on merits of the same and the learned Appellate Authority shall also not be influenced by any of findings and observations in the impugned order and shall decide the Appeal on its own merits and

strictly in accordance with law after hearing the Petitioner and Respondent.

11. All contentions of Petitioner as well as Respondent are expressly kept open in the statutory appeal without expressing any opinion on merits.

12. Writ Petition is allowed and disposed in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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