

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7319 OF 2025

M/s. Geekay Security Services Private Limited .. Petitioner

Versus

Regional Provident Fund Commissioner – I .. Respondent

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- Mr. Kiran Bapat, Senior Advocate a/w. Ms. Samiksha Kanani, Advocate for Petitioner.
- Mr. Arsh Misra, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2025

P.C.:

1. Heard Mr. Bapat, learned Senior Advocate for Petitioner and Mr. Misra, learned Advocate for Respondent.

2. The order dated 13.03.2025 impugned in the present Writ Petition is appended at Exhibit-B, page No.37 of the Writ Petition. By virtue of the said order, Respondent has levied a liability of principal amount of Rs.3.74 Crores and additional liability of interest under Section 7A and Section 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short '**the said Act**').

3. Mr. Bapat, learned Senior Advocate has taken me through the said order. He would inform the Court that statutory Appeal under Section 7-I of the said Act has been filed before the statutory Appellate Authority namely Central Government Industrial Tribunal-cum-Labour Court No.2 (for short '**CGIT-2**'), Mumbai by Petitioner. I am informed

that office of CGIT – 2, Mumbai is presently vacant due to the member being on medical leave.

4. In that view of the matter, Mr. Bapat has persuaded the Court to consider his submission and *bonafides* of Petitioner – Company. He has received instructions from Mr. Zaheer Khan, Group CEO on behalf of Petitioner – Company through his attorney Ms. Kanani that Petitioner – Company would without prejudice to its right and contentions would show its *bonafides* and be willing to deposit an amount of Rs.1 Crore within a period of four weeks from today subject to the statutory Appeal of the Petitioner – Company being decided expeditiously by the Appellate Authority namely CGIT – 2.

5. Hence without going into the merits of the case which raise substantial questions of disputed facts *qua* the extent of liability foisted on the Petitioner – Company as also conduct of the proceedings, I am of the opinion that the submissions made by Mr. Bapat deserve to be accepted at the threshold and an appropriate order needs to be passed to determine the statutory Appeal of Petitioner – Company by the Appellate Authority within a time bound programme.

6. Mr. Misra, learned Advocate appears on behalf of Respondent. He would submit that if this Court is inclined to pass any order it should be without prejudice to the rights and contentions of the Respondent also. That undoubtedly should be the case.

7. Keeping all contentions of the Petitioner as also Respondent expressly open, the present Writ Petition is disposed in the following terms:-

- (i) Statutory Appeal No.EPFA/ CGIT-2.____ /2025 filed on 29.05.2025 appended at Exhibit-E, page No.90 of the Petition alongwith all interlocutory Applications filed therein are directed to be determined by the CGIT – 2 as expeditiously as possible and in any event within a period of six months from today;
- (ii) The impugned order and all coercive directions contained therein are stayed forthwith subject to Petitioner depositing the amount of Rs.1 Crore within a period of four weeks with Respondent. Deposit of this amount shall be without prejudice to the rights and contentions of both parties and subject to final decision in the statutory appeal to be decided by the CGIT-2 as directed hereinabove;
- (iii) The following bank accounts belonging to Petitioner – Company which have been frozen by the Respondent pursuant to passing of the impugned order are directed to be immediately released from attachment forthwith;

Sr. Nos.	Bank Names	Account Nos.
1.	ICICI Bank Branch : Nariman Point, Mumbai Branch : Vile Parle, Mumbai	000405121224, 641505001233 and 641551000006
2.	YES Bank Branch : Nariman Point, Mumbai	000483800005880 and 000484600000233
3.	Saraswat Bank Branch : Lower Parel, Mumbai.	357502100001919

(iv) Mr. Zaheer Khan, Group CEO on behalf of Petitioner – Company is directed to file his undertaking on Affidavit to comply with the aforesaid directions in this Court in the present Writ Petition as agreed, within a period of one week from today;

(v) The Branch Manager of the aforesaid 3 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 any communication from the Respondent; Petitioner shall be entitled to utilise the

aforesaid Bank accounts in the usual and normal course of business.

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

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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