

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7497 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 19491 OF 2025
IN
WRIT PETITION NO. 7497 OF 2025

Abbott Healthcare Pvt. Ltd.

.. Petitioner

Versus

The Regional Provident Fund Commissioner (I),
EPFO, Thane South

.. Respondent

-
- Mr. C.R. Naidu a/w. Mr. Manoj Gujar and T.R. Yadav and Mr. Pradeep Kumar, Advocates i/by C.R. Naidu and Co. for Petitioner.
 - Ms. Payoja Gandhi, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 19, 2025.

P.C.:

1. Heard Mr. Naidu, learned Advocate for Petitioner and Ms. Gandhi, learned Advocate for Respondent.

2. At the outset, Mr. Naidu would submit that Petitioner has filed Interim Application seeking amendment to the Petition at the pre-admission stage. He would submit that since the Petition was filed on 09.06.2025 and Petitioner did not have the benefit of the full text of the impugned order passed on 05.06.2025 and the copy was made available to the Petitioner only thereafter, he would persuade the Court to allow the Petitioner to amend the Petition to place the copy of

the order dated 05.06.2025 on record and carry out consequential amendments as per Schedule of amendment to challenge the demand of Rs.6.04 crores which has been confirmed by the Competent Authority.

3. Considering the facts in the present Petition which are narrated herein under, the amendment deserves to be granted though it is objected by the learned Advocate for Respondent. Amendment is permitted to be carried out as per the Schedule of Amendment which is appended at Page No.5 of the Interim Application within a period of one week from today. Re-verification stands dispensed with. Registry shall permit the Petitioner's Advocate to carry out the said amendment.

4. In so far as the present Writ Petition is concerned, Mr. Naidu has drawn my attention to page No.125 of the Petition wherein after taking cognizance of the Revised report, the Competent Authority has completely disregarded 4 out of the 5 objections raised by the Petitioner, *inter alia*, concluding the demand against Petitioner. He has drawn my attention to the fact that 4 specific submissions and objections raised by the Petitioner go to the root of the matter in addressing the alleged demand by the Respondent which was initially raised to the tune of Rs.6.16 crores. He would submit that after considering 1 specific objection, *inter alia*, pertaining to arithmetical mistake and incorrect computation, the said demand was brought

down to Rs.6.04 crores. He would submit that in so far as other 4 objections are concerned, they have been left unanswered and not considered at all.

5. I have perused the order dated 07.05.2025, but it is seen that the Competent Authority does not stop here. On the Petitioner making an Application for cross-examination of the Enforcement Officer who had effected the said demand with respect to the objections raised by the the Petitioner, the Competent Authority rejected the Application for cross-examination by the impugned order dated 07.05.2025 which has led to the filing of the present Petition.

6. After going through the aforesaid order as also the subsequent order dated 05.06.2025, it is seen that learned Advocate for the Petitioner has made out a case for stay and issuance of notice.

7. In that view of the matter, issue notice to Respondent. Humdast permitted.

8. Ms. Gandhi, learned Advocate appears for the Respondent and waives service.

9. Respondent is directed to file Affidavit-in-Reply to the Writ Petition within a period of three weeks form today. Copy of the same shall be served on the Advocate for Petitioner in advance. Rejoinder, if any, to be filed within one week thereafter.

10. In view of the above, Interim Application (St.) No.19491 of 2025 stands allowed in terms of prayer clause 'b' which reads thus:-

“b. That pending the hearing of this Interim Application, this Hon'ble Court be pleased to stay the implementation and effect of the Order dated 5th June, 2025.”

11. Interim Application is disposed.

12. It is clarified that no coercive steps for recovery shall be taken against the Petitioner until the present Petition is decided by this Court.

13. List the Writ Petition on Board on 17th July 2025.

[MILIND N. JADHAV, J.]

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