

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8252 OF 2025

M/s. Premium Tools Pvt Ltd. and Anr.

.. Petitioners

Versus

Employees Provident Fund Organization and
Anr.

.. Respondents

.....

- Mr. Vinay Kadam, Advocate i/by Amanchi Legal & Co. for Petitioners.
- Ms. Shehnaz V. Bharucha, Advocate i/by Ansari for Respondent No.2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 30, 2025

P.C.:

1. Heard Mr. Kadam, learned Advocate for Petitioners and Ms. Bharucha, learned Advocate for Respondent No.2.

2. One of the grievance advanced by Mr. Kadam is that the impugned order dated 22.07.2023 passed under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short '**the said Act**') is not sustainable in view of the fact that admittedly Unit of Petitioner is non-functional from 15.01.2019 due to disconnection of electricity.

3. An additional compilation of documents is placed on record by Mr. Kadam to justify his submission. He would make a grievance to the Court that coercive proceedings under Section 17B of the said Act are undertaken against Petitioner No.2 with which Petitioners are

aggrieved. He would therefore persuade the Court that in view of the aforesaid submission, the coercive proceedings be halted and Petition be heard and disposed of in accordance with law.

4. An arguable case has been made out by Mr. Kadam on the basis of aforesaid submissions as also compilation of documents which is placed on record and taken on record and marked 'X' for identification.

5. Ms. Bharucha, learned Advocate for Respondent No.2 – Union of India enters appearance. Despite Respondent No.1 having been served, none appears for Respondent No.1. Respondent No.1 is directed to ensure that its pleader appears in Court with appropriate instructions on the next adjourned date.

6. In the meanwhile, it is directed that no coercive steps shall be taken by Respondent No.1 as also Respondent No.2 under Section 17B of the said Act against the Petitioners, until the next date.

7. Ms. Bharucha would submit that role of Respondent No.2 is that of a formal party. If that be the case, Respondent No.2 shall not take any steps if it has taken any steps.

8. Respondent No.1 is directed to remain present through its pleader and accordingly apprise the Court about the present status of the case against Petitioner.

- 9.** Ad-interim relief is granted in terms of prayer clause (d).
- 10.** Copy of this order shall be served on Respondent by learned Advocate for Petitioner.
- 11.** Needless to state that Petitioner shall take appropriate instructions regarding filing of statutory Appeal under Section 7I of the said Act and apprise the Court on the next date.
- 12.** Stand over to **14th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2025.06.30
18:01:13 +0530