

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9438 OF 2025

M/s. Shriram Sahakari Sakhar Karkhana Ltd .. Petitioner

Versus

Regional Provident Fund Commissioner .. Respondent

.....

- Mr. Amogh Singh a/w Mr. Aditya Upadhyay i/by Ms. Pranali Tulaskar, Advocates for Petitioner
- Ms. Sonali Humane, Advocate for Respondent

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 15, 2025

P.C.:

1. Heard Mr. Singh, learned Advocate for Petitioner and Ms. Humane, learned Advocate for Respondent.
2. On 03.07.2024 after hearing Mr. Singh, this Court passed the following order:-

"1. Mentioned. Not on Board. Taken on Board.

2. Perused the praecipe dated 03.07.2025 and copy of Writ Petition.

3. Heard Mr. Singh, learned Advocate for Petitioner.

4. By virtue of the impugned order passed under Section 7A of Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short '**the said Act**'), Petitioner is aggrieved. The impugned order is appended at page No.48 of the Writ Petition seeking demand of Rs.13,00,000/- alongwith interest totalling to Rs.26,71,318/-.

5. Mr. Singh draws my attention to the fact that Petitioner is a non-profit organisation running a sugar factory and in view of losses incurred by the Petitioner, the Sugar Commissioner by statutory order has declared the Petitioner to be a sick unit.

6. He would submit that the statutory Appeal under Section 7I of the said Act has been filed before the Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai (for short '**CGIT – 2**'). Copy of the said statutory Appeal is appended at page No.53 of the Writ Petition.

7. He would submit that there is an imminent threat of coercive action been taken by Respondent in view of the impugned order by informing the Bankers of Petitioner to attach the bank accounts of Petitioner as also attach the property of Petitioner. He would therefore persuade the Court to consider granting ad-interim relief.

8. I have impressed upon Mr. Singh that without adjudicating or touching upon the merits of the matter and giving any prima facie imprimatur of the Court thereon in view of the pendency of statutory Appeal, if Petitioner is able to show its bonafides by making a statement to deposit a reasonable amount, the Court would consider passing appropriate orders and direct the CGIT-2 to decide the pending statutory Appeal in a time bound programme. He would submit that since Petition has been filed yesterday and there is apprehension that coercive steps will be taken in a day or two, he may be permitted to obtain appropriate instructions from the Petitioner and apprise the Court accordingly.

9. He would submit that he would take appropriate instructions from Petitioner in respect of showing its bonafides so that Petition can be worked out as informed by Court today.

10. Copy of this order and Writ Petition is directed to be served on the Respondent forthwith.

11. Respondent is directed to ensure that a responsible pleader appears in Court alongwith appropriate instructions on the next adjourned date to counter the Petition.

12. In the meanwhile Respondent is directed not to take any coercive steps in consequence of the impugned order under Section 7A of the said Act against the Petitioner with respect to attachment or passing of any direction to bankers of Petitioner to attach the bank account of Petitioner until the next adjourned date.

13. Ad-interim relief is granted in terms of prayer clause (B).

14. Stand over to **10th July, 2025**. To be placed on the '**Supplementary Board**'."

3. Thereafter Petition was heard on 10.07.2025 and following order was passed:-

"1. Heard Mr. Singh, learned Advocate for Petitioner.

2. The liability of Petitioner averred under impugned order is Rs. 26,71,318/-. Mr. Singh would inform the Court that on the date of passing of the order on 03.07.2025 by this Court, officers of Respondent visited the premises of Petitioner but since copy of the order was not available and despite having been informed about passing of the order in the morning session, officer of Respondent insisted on the Petitioner making a further payment of Rs. 2 Lakhs. Said amount of Rs. 2 Lakhs has been paid by

demand draft dated 03.07.2025 by Petitioner to the Respondent. Thus according to Mr. Singh, Petitioner has shown its bonafides by depositing total amount of Rs. 15 Lakhs.

3. I am informed that Respondent has already been served. When the matter is called out today in Court, pleader on behalf of Respondent is not present. I am giving one final opportunity to Respondent to remain present through its pleader in Court on the next adjourned date failing which this Court shall determine the present Petition by passing appropriate orders and directing CGIT-2 to decide the pending Statutory Appeal in a time bound programme by allowing the Petition.

3.1 Copy of this order shall be served on Respondent by learned Advocate for Petitioner.

*3.2 Stand over to **15th July, 2025**. To be placed under the caption “**for Passing Orders**”.*

4. Today Ms. Humane, learned Advocate appears for Respondent. She would acknowledge and confirm the fact that the amount of Rs. 15,08,261/- has been deposited by Petitioner with the Respondent as delineated in the aforesaid twin orders. Petitioner has already filed Statutory Appeal bearing No. CGIT-2/EPF A/65/2025 before the CGIT-2, Mumbai. Copy of the same is appended at page Nos. 53-73 of the Petition.

5. In view of the above and considering that Petitioner has deposited substantial amount pursuant to the impugned assessment made by Respondent, I am inclined to dispose of the present Petition with the following directions:-

- (i) The CGIT-2, Mumbai is directed to hear and decide the Appeal filed by Petitioner bearing No. CGIT-2/EPF A/65/2025 as expeditiously as possible and in any event

within a period of six months from today strictly in accordance with law keeping all contentions of both the parties expressly open;

- (ii) Amount of Rs. 15,08,261/- deposited with Respondent shall be held by Respondent and it shall be subject to the final order that will be passed in the Statutory Appeal filed by Petitioner before CGIT-2, Mumbai;
- (iii) No coercive steps whatsoever shall be taken by Respondent against the Petitioner in furtherance of the impugned order(s) and until the Appeal is decided by CGIT-2, Mumbai. The impugned order is accordingly stayed;
- (iv) Petitioner shall be given copy of the Enforcement Officer's report along with all material relied upon by the Respondent while arriving at the computation contained in the impugned order(s) in order to enable the Petitioner to prosecute its Appeal before the CGIT-2 within a period of two weeks from today.

6. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]