

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2485 OF 2025

Godrej Agrovet Limited .. Petitioner
Versus
Regional Provident Fund
Commissioner Employees'
Provident Fund Organisation .. Respondent

Mr. J. P. Cama, Senior Counsel a/w Mr. Navraj B. Jalota i/b Mr. Ghanshyam Tripathi, Advocate for the Petitioner.
Mr. Gunjan Chaubey a/w Mr. Vinay Kate and Mr. Chaitanya Shirasao, Advocates for the Respondent.

**CORAM: SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATED : 24th JULY 2025

P.C.:

This writ petition challenges the legality of the order dated 8th April 2024 passed by the Regional Provident Fund Commissioner under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The reason why the petitioner-company has approached this Court is that the Central Government Industrial Tribunal constituted under section 7-A(1) of the Industrial Tribunal Act, 1947 is not functioning at present.

2. Mr. Gunjan Chaubey, the learned counsel appearing for the Regional Provident Fund Commissioner, Thane (South) refers to an order passed in Writ Petition No. 9046 of 2024 to apprise this Court that the learned Single Judge of this Court has considered this aspect of the matter and permitted the petitioner to approach the

Tribunal when it is constituted by depositing 50% of the demand with the Regional Provident Fund Commissioner seeking a stay of the order passed against the industry. The learned counsel for the Regional Provident Fund Commissioner has referred to section 7-O of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and submits that there is a statutory bar for entertaining the appeal unless 75% of the amount due under section 7A is deposited.

3. Mr. J. P. Cama, the learned Senior Counsel for the petitioner has drawn attention of this Court to proviso to section 7-O to submit that the Tribunal may waive or reduce the amount to be deposited for the reasons to be recorded in writing.

4. In view of the provisions under section 7-O which vests a discretion in the Tribunal, the order passed in Writ Petition No. 9046 of 2024 shall not apply in each case and the requirement of pre-deposit under section 7-O shall depend on facts of the case. In the present writ petition, the petitioner-company has raised manifold contentious issues, one of the issues raised is whether the establishments under the scrutiny are independent and separate establishments spread over different States. Moreover, the writ Court shall not be constrained by the technicality of the matter and wherever it is necessary the Court must step in to remedy the situation.

5. In that view of the matter and having regard to proviso to section 7-O of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, we direct the petitioner-company to approach the Central Government Industrial Tribunal and seek interim protection when it is constituted. By that time, no coercive action shall be taken against the petitioner-company pursuant to

adjudication under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. We are making this order for the reason that we are not inclined to entertain this writ petition in view of the statutory remedy of appeal available to the petitioner-company which it is inclined to avail of and has already filed the statutory appeal.

6. Writ Petition No. 2485 of 2025 is disposed in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]