



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

94 WRIT PETITION NO. 10853 OF 2025

M.S. Karan Alloys Pvt. Ltd., Aurangabad

VERSUS

Employees Provident Fund Organization Thr The Asst.
Provident Fund Com. Aurangabad

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Advocate for Petitioner : Mr. Upadye Vinayak N.

Advocate for Respondents : Mr. Nitin K Choudhary

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 27, 2026

PER COURT :-

1. The present petition takes exception to orders dated 12.2.2025 and 15.3.2018 passed by the C.G.I.T., Nagpur.
2. Learned Counsel Mr.VN. Upadhye appearing for petitioner submits that, petitioner's application for restoration of appeal with application to condone the delay filed before the C.G.I.T. has been dismissed for want of prosecution. It is contended that petitioner would suffer irreparable loss if the prayers are not considered by the Appellate Tribunal.
3. Learned Counsel- Mr. N.K. Chaudhari for respondent vehemently opposes the petition and points out that, earlier in the year 2010, appeal was dismissed for want for prosecution and thereafter, an application for restoration was allowed. He submits that petitioner has consistently shown lack of diligence

in prosecuting appeal and connected applications and therefore, the impugned order is just and proper.

4. Having considered submissions advanced by both sides, this Court finds that instead of entering into rival contentions, petitioner deserves to be granted one more opportunity to prosecute application for restoration of appeal. However, the same shall be subject to payment of costs.

5. In result, Writ Petition is **allowed** in terms of prayer clause 'B' and 'C' subject to condition that the petitioner shall deposit costs of Rs. 15,000/- (Rupees Fifteen Thousand only) with the Appellate Tribunal within a period of three (3) weeks from today.

6. The Appellate Tribunal shall consider and decide petitioner's application on its own merits. All points, including maintainability of the application and entertainability of prayer to condone delay are expressly kept open to be decided by the Appellate Tribunal.

7. Needless to state that, in the event of failure to deposit the costs within stipulated period, the impugned order shall stand revived.

(S. G. CHAPALGAONKAR, J.)

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