



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO. 2499 OF 2026

M/S VATAN TEXTILE S LTD

VERSUS

THE ASSISTANT PROVIDENT FUNDS COMMISSIONER SRO

...

Mr. Vinayak N. Upadhye – Advocate for Petitioner

Mr. Nitin K. Chaudhari – Advocate for sole Respondent

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 20.04.2026

PER COURT :

1. The present petition takes exception to order dated 16.02.2026 passed by the C.G.I.T., Nagpur.
2. Learned Counsel – Mr. VN. Upadhye appearing for petitioner submits that, proceeding 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 2021, appeal was dismissed for want of 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 pleadings, 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 clauses '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 the application on its own merits. All points, including maintainability of the application and entertainability of delay are expressly kept open to be decided by the Appellate Tribunal.

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

8. Pending Civil Applications, if any, also stand disposed of.

[S. G. CHAPALGAONKAR]
JUDGE