IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13569 OF 2026

M/s. H. Jasvantrai Engineering Pvt. Ltd. **...Petitioner**

V/s.

The Central Board of Trustees, Employees Provident Fund Organization and Ors. **...Respondents**

Mr. Abhishek Salian *with Mr. Mayuresh Ingale for the Petitioner.*

Mr. Hitesh Verma *through VC for the Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATED: 12 OCTOBER 2026.

P.C.:

1) Petition challenges order dated 16 July 2026 passed by the Regional Provident Fund Commissioner,-II under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (**EPF Act**).

2) Heard Mr. Salian, the learned counsel appearing for the Petitioner and Mr. Verma, the learned counsel appearing for the Respondents and considered the submissions canvassed by them.

3) Ordinarily, there is an alternate and equally efficacious remedy of filing appeal under Section 7-I of the EPF Act. However, Mr. Salian submits that there is gross violation of principles of natural justice in passing the impugned order dated 16 July 2026. He submits that the order itself records that report of the Enforcement Officer was furnished to the establishment on 2 July 2026. He submits that the only date fixed thereafter was on 3 July 2026, when the establishment sought time to study the report. Thereafter no date of hearing was fixed by the Regional Provident Fund Commissioner (**RPFC)** and straightaway order dated 16 July 2026 is passed. The order erroneously records that multiple hearings have taken place after 2 July 2026.

4) In my view, the impugned order is passed in gross violation of principles of natural justice where opportunity is not given to the Petitioner to respond to the report of the Enforcement Officer, which was sent to the Petitioner-establishment on 2 July 2026. Therefore, instead of relegating the Petitioner to the alternate remedy of appeal, it would be appropriate to remand the proceedings for fresh adjudication by giving an opportunity to the Petitioner to file a response to the report of the Enforcement Officer. Fit case is therefore made out for remand of proceedings to RPFC for re-adjudication.

5) Accordingly, I proceed to pass the following order:-

(i) Order dated 16 July 2026 is set aside. Since order dated 16 July 2026 is set aside, nothing would survive in the order dated 22 September 2026, which is also set aside.

(ii) Proceedings are remanded for fresh adjudication before the RPFC.

(iii) The Petitioner shall file its response to the report of the Enforcement Officer within a period of four weeks.

(iv) Parties shall appear before the RPFC on 19 October 2026 alongwith copy of the order downloaded from the website of this Court and shall apply for fixation of date(s) of hearing in the remanded proceedings. The Remanded proceedings shall be decided by the RPFC on its own merits uninfluenced by the observations made by this Court in the order.

6) With the above directions, the Petition is **disposed of**.

[SANDEEP V. MARNE, J.]

Signed by: Megha S. Parab
Designation: PA To Honourable Judge
Date: 13/10/2026 15:13:43