



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4405 OF 2025

K.R. Construction

...Petitioner

V/s.

Regional Provident Fund
Commissioner-II

...Respondent

WITH
WRIT PETITION NO.4403 OF 2025

Konark Structural

...Petitioner

V/s.

Regional Provident Fund
Commissioner-II

...Respondent

Mr. Mahesh Shukla with *Mr. Niraj Prajapati for the Petitioner.*

Ms. Priyanka Kumar for the Respondent.

CORAM: SANDEEP V. MARNE, J.

DATED: 23 JANUARY 2026.

P.C.:

1) Petitioners have challenged orders dated 10 June 2025 passed by the Regional Provident Fund Commissioner-II (**the RPFC**) exercising powers under Section 26-B of the Employee's Provident Fund Scheme 1952 and ordering that the employees of the Petitioners

were eligible for membership and that the provisions of the Employees Provident Fund and Miscellaneous Provision Act, 1952 and the schemes framed thereunder are applicable to them. It is the defence of the Petitioners that the concerned workers have settled their claims.

2) Perusal of the impugned orders would indicate that the RPFC had called for report from the Enquiry Officer on the aspect of withdrawal of the complaints. However, there is nothing on record to indicate that report of the Enquiry Officer has been considered by the RPFC. Even the affidavit-in-reply is silent on this aspect.

3) In my view, therefore, it would be necessary to remand the proceedings for re-determination before the RPFC for the purpose of consideration of report of the Enquiry Officer on the aspect of withdrawal of the complaints.

4) Accordingly, the impugned orders dated 10 June 2025 are set aside and the proceedings are remanded before the RPFC for fresh decision after taking into consideration the report of the Enquiry Officer about withdrawal of the complaints. In the remanded proceedings the RPFC shall proceed to pass order on its own merits without being influenced by any of the observations made in the order.

5) With the above directions, both the Petitions are **disposed of**.

[SANDEEP V. MARNE, J.]