



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1014 OF 2026
IN
WRIT PETITION (WP) NO. 2168 OF 2018

Gramin Vikas Shikshan Krida Prasarak Mandal, through its Secretary, Akola and
another

Versus

State of Maharashtra, Department of Social Welfare, through its Secretary, Mumbai
and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Deodatta Sukhdev Advocate h/f Shri S.S.Ghate, Advocate for the petitioner.

Shri M.J.Khan, AGP for the respondent no.1/State.

Shri C.C.Anthony, Advocate for the respondent no.2.

**CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.**

DATED : 23rd APRIL, 2026.

By this application, the applicant is seeking recalling of the order dated 02.04.2026 passed by this Court depositing of costs of Rs.10,000/- by respondent no.2.

2. It is the contention of the respondent no.2 that vide order dated 02.04.2026, this Court pleased to grant time to the respondent no.2 to justify the action taken against the petitioner subject to payment of costs of Rs.10,000/-. The delay was due to administrative reasons i.e. annual closing workload, shortage of staff with the office of respondent no.2 which is tirelessly working towards providing the seamless delivery of Provident Fund and Pension services to the members and old age pensioners. Therefore, the delay is not intentional.

3. This Court has observed in order dated 09.03.2026 that “the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 are not applicable. Sub-section (3) of Section 1 read with Section 16 of the Act, which we have gone through, indicates that the provisions of the Act are not applicable to any establishment registered under the Co-operative Societies Act, 1912 or under any other law for the time being in force relating to co-operative societies, where the employees are less than 50 in number and are working without the aid of power. The petitioner–society is registered under the provisions of the Societies Registration Act, 1860 and the total number of employees is 26, which has been informed by the petitioner and respondent No. 1 – State Government to respondent No.2. The argument is that, despite such facts, respondent No.2 has invoked powers under Sections 7A and 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 to recover the provident fund dues, despite the employees being covered under the Contributory Provident Fund Scheme. The learned Counsel for the petitioner submits that the issue involved is covered by the judgment of this Court in *Aniket College of Social Work, Aniket Shikshan Sanstha, Dighori vs. Assistant Provident Fund Commissioner, Sub-Regional Office, Nagpur and another – 2017 (5) Mh.L.J. 437.*”

4. Against the said judgment, the respondent no.2 has already preferred special leave petition which is also dismissed, therefore the said judgment has attained finality. There is no compliance in view of the said judgment and therefore on 02.04.2026 it is observed that despite granting last

opportunity, learned counsel for the respondent no. 2 seeks further time and therefore further time was granted subject to the payment of the costs.

5. Thus, considering the reasons mentioned in the order the costs was imposed. The reasons which are mentioned in the application that the delay was not intentional cannot be accepted. Explanation which is put forth by the respondent no. 2 is not reasonable and justifiable. In view of that, application is rejected. Accordingly, civil application stands disposed of.

Writ Petition No. 2168 of 2018

Learned counsel for the respondent no.2 submitted that the respondent would comply the order by one week and make appropriate statement also.

2. List the matter for further consideration on **30.04.2026**.

[JUDGE]

[JUDGE]