

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2719 of 2026**

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SHINGAR LIMITED

Versus

EMPLOYEE PROVIDENT FUND ORGANIZATION

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Appearance:

MR HEM R DAVE(11961) for the Petitioner(s) No. 1

MR AV NAIR(5602) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 27/02/2026****ORAL ORDER**

1. The present petition is filed under Article 226 of the Constitution of India by the petitioner praying to declare the action of the respondent in initiating recovery proceedings against the petitioner in pursuance to section 7A order dated 16.01.2026 though appeal against said orders are pending before the learned C.G.I.T and presiding officer of learned C.G.I.T is not available at present and in absence of presiding officer of learned C.G.I.T, the application which is preferred under section 7(o) for waiving the pre-deposit would remain undecided.

2. Learned advocate Mr.H.R.Dave submits that if this order is not stayed then on completion of 15 days from the date of issuance of the order, recovery proceedings would be initiated and coercive steps against the present petitioner would likely to be taken. Learned advocate Mr.Dave submits that it may cause hardship to the present petitioner.

3. On the other hand, this petition is opposed by learned advocate Mr. A.V. Nair, who appeared on advance copy being served, on behalf of the respondent. Learned advocate Mr. Nair submits that as per his instructions the presiding officer of Jaipur Branch has been given the charge and he is visiting twice in a month and the next proposed date of visit of presiding officer is between 9 - 12 March, 2026. Learned advocate Mr. Nair submits that he is required to show some bonafide by depositing the amount which is required for filing the appeal before the learned tribunal. Learned advocate Mr. Nair submits that in absence of any deposit no relief can be granted to the present petitioner as learned tribunal would also be not in possession in absence of deposits except coming to the conclusion that application under section 7(o) is required to be granted. In view of the above, learned advocate prays to dismiss this petition.

4. Considering the submission made by learned advocate Mr. Dave and the decision in SCA No.6511 of 2022, relied by the learned advocate for the petitioner wherein, in the similar situation this Court has disposed of the matter by protecting the petitioner from coercive steps till the decision of the appeal. In view of the above, this petition is allowed with following directions: (a) The petition is disposed of in view of non availability of the Central Government Industrial Tribunal, Ahmedabad, wherein the appeal is filed by the petitioner. (b) It is clarified that till the application under section 7(o) of the petitioner is heard on merits, the respondents are directed not to take coercive steps against the petitioner. It is further clarified that this court has not examined the matter on merits and since the Appellate Tribunal is not available on regular basis, the matter is disposed of in the aforesaid terms. (c) It is clarified that the interim relief restraining the

respondents from taking coercive steps will operate till the Tribunal hears the application under section 7(o). The petition is disposed of, accordingly.

5. Direct service is permitted.

(HEMANT M. PRACHCHHAK,J)

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