

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 5634 of 2024

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SIDDHARTH DHARMESH SHAH & ANR.

Versus

RECOVERY OFFICER , REGIONAL PROVIDENT FUND COMMISSIONER II
& ANR.

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Appearance:

MS NIYATI K SHAH(2935) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 08/04/2024

ORAL ORDER

Heard learned advocate Ms. Niyati Shah for the petitioners. She submitted that the orders dated 07.12.2021 and 21.02.2024 by the respondent No. 1 – authority are erroneous because as held by decision of Bombay High Court in the case of **Shri Vimalkumar Ravji Shah V/s. The Employees Provident Fund Organisation and Ors** reported in **2009(4)BomCR681**, petitioner would not fall under the definition of employer and the property cannot be attached. She also relied upon decision of Hon'ble Supreme Court in the case of **Employees State Insurance Corporation V/s. S. K. Aggarwal and Ors** reported in **AIR 1998 SC 2676**.

Considering the submissions, issue **Notice** returnable on **12.06.2024**.

By way of ad-interim relief no coercive action to be taken against the petitioner till the next date of hearing.

Direct service is permitted.

SHRIJIT PILLAI

(MAUNA M. BHATT,J)