

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6594 of 2024**

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DHARMESH ARVINDBHAI SHAH

Versus

THE RECOVERY OFFICER & ANR.

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Appearance:

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

for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 23/04/2024****ORAL ORDER**

1. Heard Ms.Niyati Shah, learned advocate for the petitioner. She submitted that order dated 21.02.2024 by respondent No.1- authority is erroneous because the petitioner would not fall under the definition of “Employer” and therefore, his property cannot be attached.

In support, she relied upon the 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) BomCR 681**. 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**.

2. Considering the submissions, issue **Notice** returnable on 12.06.2024. By way of ad-interim relief, no coercive action shall be taken against the petitioner till the next date of hearing.

To be heard along with Special Civil Application No.5634 of 2024.

(MAUNA M. BHATT,J)

DIPTI PATEL