

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6541 OF 2023**

KSB Pumps Ltd	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondent

Mr K. S. Bapat, i/b Druti Datar, for the Petitioner.

**CORAM: MANISH PITALE &
DR NEELA GOKHALE, JJ.
DATED: 1st June 2023
(Vacation Court)**

PC:-

1. Heard learned Senior Counsel appearing for the Petitioner. The present Petition is filed challenging the order dated 27th March 2023 passed by the Regional Provident Fund Commissioner-II, Nasik under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

2. As per the provisions of the said Act, under Section 7-I thereof, an appeal can be filed to challenge such an order. Such an appeal indeed has been filed by the Petitioner on 24th May 2023 before the Employees Provident Fund Appellate Tribunal at Mumbai.

3. But it is specifically stated in paragraph 18 of the Petition that the Tribunal is presently vacant and that, therefore, the Petitioner is unable to prosecute the appeal and press for grant of interim relief. It is under these circumstances that the Petitioner is constrained to file the present Petition.

4. We have heard the learned Senior Counsel for the Petitioner. It is submitted that, according to the Petitioner, it is entitled to exemption from operation of the provisions of the said Act and in that regard the Petitioner has approached the concerned Authority. It is submitted that instead of deciding the said application of the Petitioner, the impugned order has been passed under Section 7A of the aforesaid Act. On that basis, the Petitioner is pressing for grant of interim relief.

5. We are of the opinion that merely because the Petitioner had applied for grant of exemption, in itself cannot be a ground for claiming that the order passed under Section 7A of the said Act is bad in law. The matter would require examination.

6. As per Section 7-O of the aforesaid Act, the Tribunal cannot entertain an appeal unless 75% of the amount specified in the order is deposited. The deposit can be waived, but only in circumstances where the Petitioner has made out such a case for grant of waiver.

7. We are of the opinion that such a case for grant of waiver is not made out. Therefore, issue notice to Respondents returnable on 6th July 2023.

8. In the meanwhile, the impugned order dated 27th March 2023 shall remain stayed, subject to the Petitioner depositing 75% of the amount specified in the impugned order within three weeks from today in this Court.

9. The parties shall act on authenticated copy of this order.

(DR NEELA GOKHALE, J)

(MANISH PITALE, J)

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signed by
RAJU
DATTATRAYA
GAIKWAD
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