



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

Writ Petition No.2168 of 2018

Gramin Vikas Shikshan Krida Prasarak Mandal, Khadki (Bk), Akola and another
vs.

State of Maharashtra, Department of Social Welfare, Mumbai and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. S.S. Ghate, Advocate for the Petitioner.
Mr. S.S. Doifode, A.G.P. for Respondent No.1.
Mr. C.C. Anthony, Advocate for Respondent No.2.

CORAM : ANIL L. PANSARE & NIVEDITA P. MEHTA, JJ.

DATE : 9th MARCH, 2026.

Heard for some time.

02. The argument is 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.

03. 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.

04. 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.

05. 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.*

06. In view of the above, we call upon respondent No.2 to justify the action taken against the petitioner.

07. List the matter in the week commencing from 23rd March, 2026.

08. In the meantime, respondent No.2 may take corrective measures.

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)

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