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ITEM NO.4

COURT NO.12

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24761/2012

(From the judgement and order dated 06/03/2012 in WP No.85/2012 of the HIGH COURT OF BOMBAY)

KELLOGG INDIA P.LTD. & ANR.

Petitioner(s)

VERSUS

R.P.F.COMMR.VASHI

Respondent(s)

(With prayer for interim relief)

Date: 03/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.
Mr. Punit Dutt Tyagi, Adv.
Mr. C.D. Mulherkar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. Sundaram, learned senior counsel in support of this special leave petition. We see no reason to interfere.

Mr. Sundaram states that the petitioner Company is not covered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The petitioner intends to apply for exemption. The petitioner has already created a corpus wherein the contribution of the employees as well as the employer is retained separately. He further states that in the event the Provident Fund Commissioner so insists, the petitioner is ready to transfer all that corpus to the Provident Fund Office, in which case he submits that the Provident Fund Authority should not levy any interest or penalty for the previous period. In our view, this submission is quite legitimate and the Provident Fund Authority will consider it. Mr. Sundaram further states that necessary application for exemption will be made within a period of four weeks from today.

The special leave petition is dismissed with the above-mentioned observations and direction.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER