

ITEM NO.2

Virtual Court 4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).39877/2019

(Arising out of impugned final judgment and order dated 25-04-2019 in WP No. 6191/2005 passed by the High Court of Judicature at Bombay at Nagpur)

BHARTIYA SINDHU SAHAKARI PAT SANSTHA MARYADIT AKOLA Petitioner(s)

VERSUS

ASSISTANT PROVIDENT FUND COMMISSIONER

Respondent(s)

(WITH I.R. and IA No.61743/2020-CONDONATION OF DELAY IN FILING and IA No.61744/2020-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 17-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MS. JUSTICE INDU MALHOTRA

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Gaurav Agrawal, AOR

For Respondent(s)

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

- 1 Delay condoned.

- 2 The High Court, by its impugned judgment and order dated 25 April 2019, remanded the proceedings to the Assistant Regional Provident Fund Commissioner for conducting a fresh enquiry under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 in terms of the parameters which have been laid down by the Division Bench of the High

Court in review in the case of **Pachora Peoples' Co-op Bank Ltd v Employees Provident Fund Organization**¹.

3 A similar view has been taken by a three-judge Bench of this Court in **Nashik Merchant Cooperative Bank Ltd v The Regional Provident Fund Commissioner II**², decided on 5 October 2017.

4 Following the view of this Court, we see no reason to entertain the Special Leave Petition against the order of remand passed by the High Court.

5 The Special Leave Petition is dismissed.

6 Pending application, if any, stands, disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

1 2017 (2) Mh LJ 946

2 Civil Appeal No 15680 of 2017