

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10811 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
AMBICA MILLS LTD

Versus

UNION OF INDIA

-----  
Appearance:

MR RJ SHUKLA for Petitioners

MR JD AJMERA for Respondent No. 1, 2, 3

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/10/97

ORAL JUDGEMENT

1. Challenge has been made by the petitioners by this special civil application to the order of the respondent, Sub-Regional Provident Fund Commissioner, Baroda, dated 30th April, 1992, annexure 'A' passed under section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Challenge has also been made to notice annexure 'F' dated 14th May, 1993 for recovery of the amount of damages as determined under the

order annexure `A'.

2. The order annexure `A' date 30th April, 1992 is appealable under section 7-I of the aforesaid Act and as such this petition is not maintainable.

3. In the result, this special civil application is dismissed only on the ground that the petitioners have a statutory remedy of appeal against the order impugned in this special civil application. In case the petitioners prefer an appeal against the impugned order within a period of one month from today then it is expected of the Tribunal not to dismiss the same on the ground of limitation but to decide the same on merits. Interim relief which has been granted by this Court shall continue for six weeks. The Tribunal shall thereafter consider the question of extension or continuation of this interim relief in accordance with law. It is made clear that while dealing with this question the Tribunal shall not be influenced by the fact that this Court has granted the interim relief in favour of the petitioners. The counsel who is appearing for the petitioners has submitted that the petitioner No.1-company has been wound up. Copy of this order be sent to the Official Liquidator attached to the Gujarat High Court at Ahmedabad. Rule discharged subject to the aforesaid directions.

\*\*\*\*\*

zgs/-