

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.855 OF 2021**

Sri Manik Lal Modak and ors.

..... Petitioner(s)

Vs.

Union of India and ors.

..... Respondent(s)

For the Petitioner(s) : None.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.

Date of hearing and delivery of
Judgment & Order : 29.03.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The fact of the case is that one Mr. Jyotilal Bhattacharjee was the original owner of the Malabati Tea Estate. The said Jyotilal Bhattacharjee sold the entire gamut of tea plantation in the year 1989 in favour of Khagorijan Tea Company. Proprietor KTC has further sold the entire portion of Malabati Tea Plantation in two segments. The petitioners have purchased a small fraction measuring 74.60 acres. As per Section 17B of the EPF Act, new purchasers are under obligation towards necessary contributions to the value of asset obtained by them by such

transfer. Petitioners were leveled with a case diary which attained finality by an order dated 30.09.2021. Hence the petitioners has filed this present writ petition seeking the following reliefs:-

"i. Issue rule asking the respondent No.3 to show cause as to why the respondent No.3 should not be directed to set aside the order dated 30.09.2021 passed under Section 14B and 7Q of the EPF & MP Act, 1952 in connection with the Dairy No.54 of 2014.

ii. Issue Rule of Mandamus asking the Respondents to show cause as to why the Respondents No.3 to 5 should not be directed to stay the further proceedings towards recovery of damage and penalty from the petitioners in respect of Diary of 54 of 2014.

iii. Pass necessary direction upon the respondents, call for records of the proceedings pending before the Office of Regional Provident Fund Commissioner in connection with the Diary No.54 of 2014 and then examine the legality, jurisdiction and principles/propriety of law.

iv. And after hearing the parties and being satisfied, make the rule in terms of (i) and (ii) absolute.

v. Pass any other order/orders writ as your lordship may deem fit and proper for ends of justice."

2. Mr. A. Nandi, learned counsel for the petitioner called absent. Heard Mr. B. Majumder, learned Deputy SGI appearing for the respondents. On several earlier occasions when the case is called, there is no representation of Mr. A. Nandi, learned counsel for the petitioner and since the matter came up for final hearing today, this Court heard Mr. B. Majumder, learned Deputy SGI appearing for the respondents and proceed to decide the matter.

3. The impugned order under challenge lies with the Tribunal under Section 7-I of the EPF Act and since the order has been passed under Section 14B of the Employees Provident

Funds and Miscellaneous Provision Act, 1952, this present writ petition is disposed of giving liberty to the petitioners to prefer an appeal in accordance with the law.

4. As a sequel, stay if any is vacated, pending application(s), if any, is closed.

CHIEF JUSTICE (ACTING)

suhanjit

