



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 183 of 2017 with
WP(C) No. 184 of 2017

Date of Decision: 05.12.2024

1. M/s Komorrah Limestone and Mining Co. Ltd;
A Company registered under the companies Act, 1956 having its
registered office at 207, Upper Lachumiere, Shillong- 793001, East
Khasi Hills District, Meghalaya.
2. Shri. Rahul Dev Sharma,
Son of Late Kishori Lal Sharma;
Managing Director,
M/s Komorrah Limestone and Mining Co. Ltd;
207, Upper Lachumiere, Shillong-793001,
East Khasi Hills District,
Meghalaya

.....Petitioners

-VERSUS-

1. The State of Meghalaya
Represented by its Commissioner and
Secretary, (Labour) Department,
Govt. of Meghalaya
2. The Regional Provident Fund Commissioner
Employee Provident Fund Organisation
Sub-Regional Office, Laitumkhrah,
Shillong, Meghalaya
3. Assistant Provident Fund Commissioner,
Employee Provident Fund Organisation
Sub-Regional Office, Laitumkhrah,
Shillong, Meghalaya
4. Recovery Officer,
Employee Provident Fund Organisation
Sub-Regional Office, Laitumkhrah
Shillong-793003, Meghalaya

.....Respondents

Coram:



Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. S.P. Mahanta, Sr. Adv. with Mr. L.M. Sangma, Adv. Mr. M. Lyngdoh, Adv.
For the Respondent(s)	: Ms. I. Lyngwa, GA (For R 1) Ms. P. Bhattacharjee, Adv. Mr. Z.A. Choudhury, Adv. (For R 2-4)

i) Whether approved for reporting in Law journals etc.:	Yes/No
ii) Whether approved for publication in press:	Yes/No

COMMON ORDER (ORAL)

1. Heard Mr. S.P. Mahanta, learned Sr. counsel appearing for the petitioners/Company along with Mr. L.M. Sangma, learned counsel and Mr. M. Lyngdoh, learned counsel.

2. The learned Sr. counsel has submitted that the petitioners/Company is aggrieved by an order dated 20.05.2016 issued by the respondent No. 3 whereby an amount of ₹ 12,52,095/- (Rupees twelve lakhs fifty two thousand and ninety five) only is to be recovered from the petitioners/Company under the relevant provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Following the said order dated 20.05.2016 a Notice of Demand for the said amount dated 09.06.2017 was also issued upon the petitioners/Company.

3. In course of these proceedings, the petitioners/Company has since complied with the said demand and vide Letter No. KLMC/EPFO/004 dated 26.11.2024 which is brought on record and marked as Annexure-X, the respondent No. 2 was informed about the willingness of the



petitioners/Company to pay the penalty and whereby the same was duly paid by demand draft No. 101219, 101220 and 101221 dated 26.11.2024 for an amount of ₹ 9,60,335/-, ₹ 3,52,145/- and ₹ 9,00,000/- respectively.

4. The learned Sr. counsel has also submitted that on confirmation of receipt of the said outstanding dues, the respondent No. 2 has acknowledged receipt of the payment totalling ₹ 12,52,145/- pertaining to WP(C) No. 184 of 2017 and ₹ 9,60,335/- pertaining to WP(C) No. 183 of 2017, the same being duly communicated to the petitioners/Company vide File No: NE/SHG/Legal/KLMC/1674 dated 03.12.2024 which is brought on record and marked as Annexure-Y herein.

5. In view of the above mentioned developments, the learned Sr. counsel has submitted that nothing survives in these matters and the same may be disposed of accordingly.

6. Ms. P. Bhattacharjee, learned counsel for the respondents/EPFO has also concurred with the submissions of the learned Sr. counsel and has no objection to the prayer made. Similarly, Ms. I. Lyngwa, learned GA appearing for the respondent No. 1 has also no objection to the prayer made by the learned Sr. counsel for the petitioners/Company.

7. Accordingly, without going into the merits of these matters and on the submissions so made at the bar, these petitions are hereby disposed of. No costs.

Judge