

GAHC010183572024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4527/2024

TINSUKIA MUNICIPAL BOARD
GNB ROAD, P.O., P.S. AND DIST.- TINSUKIA, ASSAM, PIN- 786125.
REPRESENTED BY ITS CHAIRMAN, PABITRA KUMAR GOGOI,
AGE ABOUT 58 YRS,
R/O- SRIPURIA, WARD NO-2,
P.O-SRIPURIA,
P.S AND DIST- TINSUKIA, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
TO BE REPRESENTED BY SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF LABOUR AND EMPLOYMENT ,NEW DELHI-01.

2:THE EMPLOYEES PROVIDENT FUND ORGANISATION
REP. BY REGIONAL PROVIDENT FUND COMMISSIONER

NE REGION

GS ROAD
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

3:THE REGIONAL PROVIDENT FUND COMMISSIONER II

EMPLOYEES PROVIDENT FUND ORGANISATION
TINSUKIA
ASSAM
PIN-786125

4:THE CHAIRMAN

THE CENTRAL BOARD OF TRUSTEE
BHAVISYA NIDHI BHAWAN
14 BHIKAJA CAMA PLACE
NEW DELHI-66

5:STATE BANK OF INDIA
REP. BY ITS BRANCH MANAGER
TINSUKIA BAZAR BRANCH
TINSUKIA-2

Advocate for the Petitioner : MR. A DEKA, MR. S S ROY,MR. S BORTHAKUR

Advocate for the Respondent : DY.S.G.I., MR. S K MEDHI (CGC, FOR UNION OF INDIA),N
HASAN(R-5),P SINGH(R-5),MR. B K SEN (R-5),MR. DILIP DEY (R-2,3),SC, SBI,SC. EPFO

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

04.10.2024

1. Heard Mr. A. Deka, learned counsel for the petitioner. Also heard Mr. D. Dey, learned counsel for the respondent nos.2,3 & 4. Mr. S.K. Medhi, learned counsel appears for the respondent no.1, while Mr. A. Hussain, learned counsel appears on behalf of Mr. B.K. Sen, learned counsel for the respondent no.5.
2. The petitioner, which is the Tinsukia Municipal Board is aggrieved by the order dated 20.10.2023, whereby Rs.85,79,376/- has been directed to be paid against the damages and interest under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.
3. The petitioner's counsel submits that even though the appeal filed by the petitioner on 13.03.2024 has not been disposed of, the petitioner had deposited

Rs.20,06,656/- with the respondent nos.2, 3 & 4 in compliance with the order dated 06.09.2024 passed by this Court. The petitioner's counsel submits that the petitioner is willing to pay the balance amount in 8 (eight) equal monthly installments starting from October, 2024.

4. Mr. D. Dey, learned counsel for the respondent nos.2, 3 & 4 submits that he does not have any objection to the proposal made by the petitioner's counsel that the petitioner will pay the balance amount of Rs.65,72,720/- in eight monthly installments, starting from October, 2024. Mr. D. Dey, learned counsel also submits that the proposal of the petitioner's counsel is agreed to, provided that post-dated cheques are paid for all the 8 monthly installments by the petitioner.

5. In view of the consent of the counsels for the parties, the petitioner is directed to pay the balance amount of Rs.65,72,720/- in eight equal monthly installments, i.e. Rs.8,21,590/- per month to the respondent nos.2, 3 & 4 w.e.f. October, 2024 till final payment. The payment of the monthly installments shall be made within the first 7 (seven) days of each month starting from November 2024. In respect of October, 2024, some lee-way is given to the petitioner, as 4 (four) days have already lapsed. Accordingly, for the month of October, 2024, the petitioner shall deposit the monthly installment on or before 10.10.2024. On communication of the receipt of the first monthly installment by the respondent nos.2, 3 & 4, the respondent no.5 shall defreeze the petitioner's Current Bank Account.

6. The impugned letters dated 09.04.2024 and 15.04.2024 issued by the Authorized Officer and Recovery Officer respectively shall be deemed to be set aside on payment of the final installment. Till then, the same shall be kept in abeyance.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant