

GAHC010184282024



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

Case No. : WP(C)/4605/2024

M/S SOUTH COAST RESTAURANT
H/NO. 556, SARITA COMPLEX, CHRISTIAN BOSTI, G.S. ROAD, GUWAHATI-
781005, REPRESENTED BY ITS PROPRIETOR SHRI SUMIT BERIA @ SUMIT
KUMAR BERIA.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF LABOUR AND
EMPLOYMENT, GOVT. OF INDIA, BHABISHYA NIDHI BHAWAN, 14, BHIKAJI
CAMA PLACE, NEW DELHI-110066.

2:THE EMPLOYEES PROVIDENT FUND ORGANIZATION
MINISTRY OF LABOUR AND EMPLOYMENT
GOVT. OF INDIA
BHABISHYA NIDHI BHAWAN
14
BHIKAJI CAMA PLACE
NEW DELHI-110066.

3:THE EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
NE REGION
G.S. ROAD
BHANGAGARH
GUWAHATI-781005
REPRESENTED BY THE PROVIDENT FUND COMMISSIONER.

4:THE ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
NORTH EAST REGION

G.S. ROAD
BHANGAGARH
GUWAHATI-781005.

5:ENFORCEMENT OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
NORTH EAST REGION
G.S. ROAD
BHANGAGARH
GUWAHATI-781005.

6:ASSESSING OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
NORTH EAST REGION
G.S. ROAD
BHANGAGARH
GUWAHATI-781005.

7:RECOVERY OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
NORTH EAST REGION
G.S. ROAD
BHANGAGARH
GUWAHATI-781005

Advocate for the Petitioner : MR. Y S MANNAN, MR M GARODIA,MS N DEKARAJA,MS R BEGAM

Advocate for the Respondent : DY.S.G.I., MR. S K CHAKRABORTY(R-2 TO 7),MR. P K ROY (R-2 TO 7)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

23.10.2024

Heard Mr. Y.S. Mannan, learned counsel for the petitioner and Mr. P.K. Roy, learned Senior Counsel for the respondent nos.2 to 7.

It is the case of the petitioner that pursuant to a proceeding under the Act for non remission of statutory dues for the period April, 2019 to March, 2022, the impugned Recovery Certificate has been made.

The petitioner also claims to have preferred an appeal under Section 7A of the EPF and MP Act along with a petition for condonation of delay which however is yet to be considered. It is informed that the said Tribunal is presently not having a Presiding Officer for which the appeal has not been considered.

The counsels for the parties submit that subsequent to the filing of the writ petition, the appeal filed by the petitioner before the Appropriate Authority, vide EPF(A) 03/2024 has been taken up and the appeal proceedings are pending before the Appellate Authority. Further, protection has been given to the writ petitioner by the Appellate Authority as on date. The counsels for the parties thus submit that the present writ petition has become infructuous.

In view of the submissions made by the counsels for the parties, the writ petition is closed as infructuous.

JUDGE

Comparing Assistant