

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8944 of 2016

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M/s Savitri Devi Automobiles Pvt. Ltd. @ M/s Srivas Hyundai, Gandhi Setu Marg
NH-28, Jadhua, Hajipur, Vaishali through one of it's directors Mr. Ashish
Srivastava S/o Late Rajesh Kumar Srivastava, R/o 401/405, Pushpanjali Plaza,
Basant Vihar Colony, Boring Road, P.S.- S.K. Puri, District- Patna.

.... Petitioner

Versus

1. Regional Provident Fund Commissioner, Ministry of Labour, Govt. of India,
through Sub- Regional Office, Surya Complex, Luxmi Chowk, Muzaffarpur.
2. The Branch Manager, State Bank of India, Irrugattukottai, Sriperumbudur Taluk,
Distt. Kanchipuram, Tamil Nadu.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Jha, Advocate

For the Respondent No.2: Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-05-2017

The present writ application has been filed by the
petitioner for issuance of a direction to the respondent no.1 to
withdraw the letter dated 28.05.2015 as contained in Annexure-2 to
the present writ application issued in exercise of power conferred
under Section 8F(3)(i) of the Employee's Provident Funds and
Miscellaneous Provisions Act, 1952 (for short 'EPF and MP Act,
1952').

2. The petitioner is a company incorporated under



Indian Companies Act, 1956. It is an employer within the meaning of Section 2(e)(ii) of the EPF and MP Act, 1952 and is an authorized agency of Hyundai Motors India Ltd. having its showroom at Hajipur.

3. The Regional Provident Fund Commissioner (respondent no.1) initiated inquiry under Section 7A of the EPF and MP Act, 1952 on the basis of documents available at the office of the petitioner and physical verification of the premises. After holding the inquiry, the Regional Provident Fund Commissioner in exercise of powers vested in him under Section 7A of the EPF and MP Act, 1952 determined a sum of Rs.12,25,561/- only due against the petitioner establishment towards provident fund and allied dues for the period March, 2012 to May, 2014. The petitioner was also made liable to pay interest under Section 7Q and damages under Section 14B in accordance with the provisions of EPF and MP Act, 1952. It was directed to remit the amount within fifteen days of the receipt of the order. On failure to comply with the order passed under Section 7A of the EPF and MP Act, 1952, the Regional Provident Fund Commissioner, Sub-Regional office at Muzaffarpur, vide impugned order dated 25.08.2015 in exercise of power conferred under Section 8F(3)(i) of the EPF and MP Act, 1952 wrote to the Branch Manager, State Bank of India,



Irrugattukottai, Sriperumbudur Taluk, Kanchipuram District, Tamil Nadu, to pay Rs. 12,25,561/- only or such sum standing to the credit of the petitioner within three days of receipt of the order by way of Demand Draft being the amount payable by the defaulter.

4. On query made by the Court, learned counsel for the petitioner conceded that the order passed by the Assessing Authority under Section 7A of the EPF and MP Act, 1952 has not been challenged before the Appellate Authority till date.

5. Since the petitioner has failed to remit the statutory dues of provident fund pursuant to the order passed by the Regional Provident Fund Commissioner and the order passed by the Regional Provident Fund Commissioner has not been challenged by filing statutory appeal, the challenge made by the petitioner to the order passed by the statutory authority in exercise of power conferred under Section 8F(3)(i) of the EPF and MP Act, 1952 is devoid of any merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2017
Transmission Date	NA

