

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.354 of 2017

1. Pratik Educational And Welfare Trust through its Chairman, Jyoti Kumar Mallick having office in House of Jyoti Kumar Mallick, having office at Shastrinagar, P.O.+P.S.- Araria, District- Araria.
2. Career Academy through its Director-cum-Principal, Jyoti Kumar Mallick, having office at Shastrinagar, P.O.+P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. Employees Provident Fund Organisation through its Regional Provident Fund Commissioner having Sub-Regional Office at Adampur Chowk, Bhagalpur.
2. The Assistant Provident Fund Commissioner, Sub-Regional Office at Adampur Chowk, Bhagalpur.
3. The Regional Provident Fund Commissioner-II, Sub-Regional Office at Adampur Chowk, Bhagalpur.
4. The Area Enforcement Officer, Katihar.
5. Sri Pankaj Kumar, the then Area Enforcement Officer, Katihar and Kishangarh Zone, S/o not known, Sub-Regional Office at Adampur Chowk, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. A.B. Ojha Sr. Adv. Mr. Nitesh Kumar, Adv. Mr. Bharat Bhushan, Adv. Mr. Munish, Om Prakash Singh, Adv.
For the Respondent/s	:	Mr. Prashant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-01-2019

Heard learned counsel for the petitioners and the
learned counsel for the respondents.

2. In this case the petitioners are challenging the order dated 10.11.2016 passed by the Assistant Provident Fund Commissioner, Sub-Regional Office at Adampur Chowk, Bhagalpur whereby and whereunder he has rejected the review application which has been filed under section 7-B of the



Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as "Provident Fund").

3. It appears that a proceeding was initiated and the amount has been assessed against the petitioners and whereafter an application under section 7-B of the Act has been filed for review of the order, but the same has been dismissed on account of limitation.

4. The learned counsel for the petitioners submits that the calculation made by the authority is completely wrong on account of the fact that the order dated 10.06.2016 was received by the petitioners on 18.06.2016 and they have filed the application on 01.08.2016 was within the forty five days whereas the learned counsel for the provident fund submits that the forty five days will be counted from the date of order which does not stand to reason as this order was sent to them on 13.06.2016 which was received on 18.06.2018 so normally the forty five days will be counted from the date of receipt of the order and it cannot be related back to the date of order passed because in many situation the order may remain uncommunicate for long period which was received later on, so this Court is of the view, the period is to be calculated from the date of receipt of the order.



5. In such view of the matter, this Court holds that the application was filed within forty five days and even if the authority is of the view that it is not within forty five days, it will be treated to have been condoned. The authority would decide the case on merit. The petitioners will be at liberty to file an appropriate application for needful order.

6. Accordingly, this application is disposed of.

(Shivaji Pandey, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.01.2019
Transmission Date	N/A

