

10.09.2021.
Item No. 93.
Court No.13
ap

**W.P.A. No. 13212 of 2021
(Through Video Conference)**

**Pradip Kumar Dutta & Anr.
Versus
Employees Provident Fund Organization & Ors.**

Mr. Somnath Ghoshal,
Mr. Amar Krishna Saha,
Mr. Satyajit Senapati.

..For the petitioners.

Mr. Jishnu Chowdhury,
Mr. Aritra Basu,
Mr. Abhijit Sarkar.

...For the respondent no.5.

Md. T.M. Siddiqui.

...For the respondent no.4.

Mr. Shiv Chandra Prasad,
Mr. Nikhil Kumar Gupta.

...For the Provident Fund Authority.

The writ petitioners claim to be the Non-executive Directors of a Company called M/s. Arambagh Paper Mills Private Limited, the Company was referred to BIFR and revival had failed.

Proceedings are also pending under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFEASI Act, 2002) for sale of the secured assets.

It is submitted that the employees Provident Fund Authorities have passed certificate for recovery of its dues against the said company.

There is also reference to an order of this Court passed by a Co-ordinate Bench of this Court on 1st

March, 2021 in W.P.A. No. 2504 of 2020 directing the West Bengal Industrial Development Corporation Limited to consider and dispose of the representation of the petitioner.

This Court is of the view that the claims of the secured creditors are governed under the provisions of the SARFEASI Act, 2002 and the claims of the Employees Provident Fund Organization are covered under the provisions of the Provident Fund Act, 1952.

The petitioner has not been able to demonstrate any grounds for intervention under Article 226 of the Constitution of India in respect of the aforesaid proceedings.

In view of the above, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)