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29.11.2021
Ct. No.10
b.das

W.P.A. 17718 of 2021

(Via Video Conference)

General Security & Information Services India Pvt. Ltd.
(Formerly General Security & Information Services Pvt. Ltd.)

Vs.

Regional Provident Fund Commissioner –I, Kolkata & Ors.

Mr. S. P. Tewary

Mr. Soumitra Bag

Ms. S. Das

...for the petitioner.

Ms. Mitali Bhattacharya ...for the P.F. authority.

Heard learned counsels for the parties.

The contention of the petitioner is that proceedings under Section 14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 was initiated by the first respondent against the petitioner for the period from 1st August, 2017 to 31st May, 2019 and the petitioner was directed to pay an amount of Rs.41,38,715 for belated payment of provident fund.

Challenging the said order, the petitioner has preferred statutory appeal. The petitioner submits that due to superannuation of the learned Judge of the appellate court, the appeal is still pending.

The first respondent, during the pendency of the appeal, has issued an order of attachment of the bank account of the petitioner.

The petitioner prays for a direction upon the first respondent not to take any coercive step in this regard till disposal of the appeal.

Learned counsel for the first respondent opposes the prayer of the petitioner and submits that a portion of the dues ought to be deposited by the petitioner before any order is granted in its favour.

It is not in dispute that the petitioner has preferred a statutory appeal against the order under Section 14B of the Act of 1952, which is sub judice.

In the circumstances, this Court is of the view that the first respondent should not take any coercive step against the petitioner company till the appeal is disposed of on merits, more so, as the appeal is pending due to superannuation of the learned Judge and not due to any fault on the part of the petitioner.

Therefore the first respondent is directed not to take any coercive steps against the petitioner till disposal of the appeal. The order of attachment dated 2nd November, 2021 is stayed till disposal of the appeal.

It is expected that the appeal shall be disposed of on merits within a period of three months from the date of communication of this order.

With the above observations and directions this writ petition WPA 17718 of 2021 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)