

131
13.12.2021
Ct. No.10
b.das

W.P.A. 19467 of 2021

(Via Video Conference)

M/s. Realtech Nirman Pvt. Ltd. & Anr.

Vs.

The Regional Provident Fund Commissioner-II,
Barrackpore & Ors.

Mr. S. Bhattacharjee

Mr. Bratin Kr. Dey

Mr. P. Pandey

...for the petitioner.

Ms. Debjani Ghosal

....for the respondent Nos.1 to 3.

Affidavit of service filed by the petitioner is taken on record.

Liberty is granted to the petitioners to implead the Central Government Industrial Tribunal cum Labour Court, Kolkata as respondent No.4 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that they have been proceeded against by the respondent authorities under Section 14B/7Q of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 and it has been assessed by the authorities that the dues payable by the petitioner is Rs.8,38,122/-. The petitioners preferred

appeal against the said order before the Central Government Industrial Tribunal cum Labour Court at Kolkata on 29th November, 2021 which was registered as Appeal No. 14 of 2021.

The petitioner submits that the Appellate Court remaining vacant, the appeal has not been taken up for consideration. The petitioner draws the attention of this court to the order impugned passed by the respondent authorities which indicates that an inspection was conducted at the establishment and a report to that effect was submitted on 23rd December, 2013 which is the basis for assessment of the amount.

The petitioners pray for a direction upon the respondents to submit the said report before this Court.

It is submitted on behalf of the respondents that an order under Section 14B of the Act of 1952 is an appealable order and as appeal preferred in such regard is pending before the Tribunal, the dispute in question ought to be decided by the Tribunal on merits and not by this Court in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India.

Admittedly, the petitioner has preferred an appeal against the order of the first respondent, which is sub judice since 29th November, 2021.

In view of the above, the writ petition is disposed of with a direction upon the added respondent No.4 to consider and dispose of the appeal on merits by a speaking

order in accordance with law as expeditiously as possible, preferably within three months from the date of communication of this order.

With the above observations and directions this writ petition WPA 19467 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.)