

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1142 of 2022**

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The Patliputra Co-operative House Construction Society Ltd. Patliputra Colony, P.S. - Patliputra Colony, Dist. - Patna - 800013, through its Honrary Secretary, Rajendra Narayan Singh.

... .. Petitioner/s

Versus

1. Union of India Ministry of Labour and Employment.
2. Regional Provident Fund Commissioner, Regional Office, Patna, Bhavishyanidhi Bhawan, R-Block, Road No. 6, Patna-800001.
3. Assistant Provident Fund Commissioner, Regional Office Bhavishyanidhi Bhawan, R-Block, Road No. 6, Patna - 800001.
4. Employees Provident Fund Organisation Ministry of Labour and Employment, R-Block, Road No. 6, Patna-800001.

... .. Respondent/s

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**Appearance :**

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| For the Petitioner/s      | : | Mr. Rakesh Kumar Singh, Advocate |
| For the Respts no. 2 to 4 | : | Mr. Ajay Kumar, Advocate         |
| For the Union of India    | : | Mr. Sujeet Kumar Sinha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 30-11-2022**

Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

*"For quashing of the order dated 13.10.2021 (Annexure-2 hereto), purported to be passed under Section 7A of Employees Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter referred to as the Act) demanding a sum of Rupees 50,48,502/0 (Fifty Lacs Forty Eight Thousand & Five Hundred Two) from the petitioner-establishment determined as the amount due from the petitioner Co-operative society for the period 10/2004 to 11/2011, as provident fund contribution."*



Without exhausting the remedy under Section 7A of Employees Provident Funds & Miscellaneous Provisions Act, 1952, the petitioner presented this petition. Writ petition cannot be entertained in the light of Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** held as under:-

*“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-*

*“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:*

*(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;*

*(b) the petition reveals all material facts;*

*(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;*

*(d) person invoking the jurisdiction is guilty of unexplained delay and laches;*

*(e) ex facie barred by any laws of limitation;*

*(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”*



In the light of the aforesaid decision, the present petition is premature and not maintainable. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to invoke appropriate remedy before the appellate authority. The appellate authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay.

**(P. B. Bajanthri, J)**

Vikash/-

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