

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13465 of 2022

Matadee Marketing and Finance Pvt. Ltd.,

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Samir Kumar Adv
For the State	:	Mr.Awanish Nandan Sinha (Gp 21)
For the E.P.F.O(Resp. No. 2 to 5)	:	Mr. Satyendra Kumar Jha Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 23-11-2022 In the instant petition, petitioner has prayed for
following relief(s):-

"That the present writ application is being filed for the following reliefs:

a. For quashing of the entire proceeding initiated against the petitioner under section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'EPF & MP Act) as the title of the said section clearly states that it has to be initiated for determination of moneys due from employers and in light of the fact that the petitioner is not the employer for purposes of payment of EPF amount for the concerned period of 01/2014 to 07/2019.

b. For quashing of the entire proceeding initiated against the petitioner under the provisions of the EPF & MP Act as the petitioner is not the employer for purposes of payment of EPF amount and the petitioner has deposited the amount/contribution received from the employer/respondent and the default, if



any, has been committed by the concerned employer and thus the petitioner is not liable to pay damages.

c. For directing the respondent no.6 to 9 to release funds amounting to Rs.8,73,151/- (Rupees eight lakhs seventy-three thousand one hundred and fifty-one) along with accrued interest, penalty and damages which might be imposed thereon till the date of actual payment as the petitioner has already deducted the employees contribution and both the amounts shall be submitted to the EPF account/department in order to avoid any further delay/non-compliance.

d. For holding that the respondent no. 6 to 9 are the employer for the purpose of payments of EPF amount relating to the tender work being done by the accountants working for the respondents in terms of section 2(f) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 ("EPF Act').

e. For such other relief(s), direction(s) to which the Petitioner may be entitled to in the facts and circumstances of this case."

Prima facie the present petition is premature.

At this stage, learned counsel for the petitioner submitted that if direction is given to the competent authority to decide the proceedings would suffice in stead of granting the relief sought in the present petition. In the light of the aforesaid submission the competent authority is hereby directed to conclude the proceedings after due consideration of each of the contentions rise by the petitioner before the competent authority.



The aforesaid exercise shall be completed within a
period of 3 months from the date of receipt of this order.

(P. B. Bajanthri, J)

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