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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9282 of 2022

M/s. P. P. Enterprise
Vs.
Union of India & Ors.

Ms. Nabanita Mondal,
Mr. T. K. Chatterjee
.... For the petitioner.

Ms. Sima Sengupta
... For the respondent nos.2 to 5.

Affidavit of service filed in Court today is taken on record.

This writ application has been filed challenging the order dated 30th December, 2011, passed by the respondent no.2.

Ms. Mondal, learned advocate appearing in support of the aforesaid application submits that being aggrieved by the aforesaid order the petitioner had filed an appeal under Section 7(i) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 before the Provident Fund Appellate Tribunal at New Delhi. Ms. Mondal further submits that the present matter has been transferred to respondent no.6 and the said appeal, being No.110 of 2012 is pending. Ms. Mondal further submits that despite pendency of the aforesaid appeal the respondents are taking coercive steps against the petitioner and she prays

that an order be passed directing the respondents not to take any coercive steps against the petitioner. She submits that although a prayer had been made in the writ application challenging the order passed in 7A, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, however, this Hon'ble Court should consider the present application as the application for expeditious disposal of the pending appeal.

Per contra, Ms. Sengupta submits that the learned Tribunal had never granted any stay in connection with the aforesaid appeal and as such this Hon'ble Court should not pass any order of stay and no order should be passed restraining the respondents from implementing the order under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

I have heard the submissions of the advocates appearing for the respective parties. I have also considered the materials on record and I am of the view that the respondent no.6 should expeditiously dispose of the petitioner's appeal being No. 110 of 2012 within a period of two months from date upon prior notice to the parties.

It is made clear that I have not gone into the merits of the matter, the Tribunal shall decide the aforesaid appeal forthwith without being influenced in any manner by any of the observations made in the instant order.

With the aforesaid observations, the present writ application, being WPA 9282 of 2022 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)