

27.09.2022.
Item No.4
Court No.550
Saswata

W.P.A. 15183 of 2022

**Bidhan Nagar Municipal Corporation
Versus
Union of India & Ors.**

Ms. Poushali Banerjee

...For the petitioner

Ms. Rashmi Bothra

...For the Union of India

Mr. Shiv Chandra Prasad

...For the respondent nos. 2 & 3

By an order dated 15th September 2022, this Court directed the petitioner to make payment of a sum of Rs.5,00,000/- to the respondent no.2. In compliance of the aforesaid direction passed on 15th September 2022, it appears that a sum of Rs.5,20,309/- has been deposited by the petitioner with the respondent no. 2. Ms. Banerjee, learned advocate appearing in support of the aforesaid writ application hands over a challan, demonstrating the payment of the aforesaid amount, which is taken on record. Today Ms. Banerjee once again renews her prayer for making payment of the provident fund dues, as determined by the respondent no.2, vide order dated 28th April 2022 by way of installments.

Drawing the attention of this Court to a letter dated 10th June 2022, which is at page 54 of the writ application, it is submitted that despite making representations before the authorities for grant of installments, no steps have been taken by the

authorities in that regard. Reliance is also placed on the memo dated 11th February 2014 issued by the Additional Central Provident Fund Commissioner (Compliance). Ms. Banerjee submits that similar benefits which are being extended to similarly circumstanced persons, are being denied to the petitioner.

Mr. Prasad, learned advocate appearing on behalf of respondent nos. 2 and 3 submits that the petitioner has duly complied with the order passed by this Court on 15th September 2022. However, considering the fact that the petitioner is a municipality, 36 installments should not be granted in favour of the petitioner. He, however, does not stand in the way of the petitioner, liquidating the dues.

Ms. Bothra, learned advocate appearing for the Union of India submits that she also does not stand in the way of the petitioner in liquidating its dues.

I have considered the submissions made by the advocates appearing for the respective parties. I have also taken note of the fact that the petitioner had complied with the directions passed by this Court on 15th September 2022. It appears that the respondent no.3, by its circular dated 11th February 2014 notified all the Additional Central Provident Fund Commissioners (Zones) and all Regional Provident Fund Commissioners with regard to its decision of

allowing the establishments desirous of availing instalment facilities, to liquidate their dues in instalments.

Considering the fact that a decision has been taken by the respondents, themselves, to permit the establishments to liquidate their dues by way of instalments and taking into consideration the financial stress suffered by the petitioner owing to merger with Rajarhat Gopalpur Municipality, I am of the view that the petitioner should be permitted to liquidate the balance provident fund dues as determined by order dated 28th April, 2022 by way of 21 monthly equal instalments. First of such instalment must be paid by the petitioner on or before the 31st of October 2022 and balance 19 instalments must be paid on or before the 28th of each succeeding month till the entire dues are cleared.

The respondents are, however, restrained from taking any steps for initiation of recovery proceedings or any coercive steps against the petitioner for a period of 20 months from the date of payment of 1st instalment in respect of the dues forming subject matter of the present writ application.

In default of payment, as directed above, the respondents shall be entitled to enforce their claim, if any, against the petitioner subject to any right that the petitioner may have.

It is, however, made clear that the petitioner shall, in the interregnum period, continue to comply with its obligation in respect of payment of current provident fund dues.

With the above observations, the writ petition being WPA 15183 of 2022 is disposed of.

Since, I have not called for any affidavits, the allegations made in the application are deemed to have been denied by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)