

Item No.2.

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 31.10.2022

DELIVERED ON:31.10.2022

CORAM:

THE HON'BLE MR. JUSTICE T. S. SIVAGNANAM

AND

THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA

M.A.T No.1388 of 2022

[I.A. No.CAN 1 of 2022

[I.A. No.CAN 2 of 2022

**Regional Provident Fund Commissioner - II, Howrah & Ors.
Vs.**

HDFC Bank Limited & Ors.

Appearance:-

Mr. Anil Kumar Gupta **for the appellants.**

Mr. Amitava Mitra,
Ms. Antara Choudhury **for the respondent nos.1 & 2.**

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, J.)

Re:. I.A. No. CAN 1 of 2022

1. This is an application praying for condonation of delay of 137 days in preferring the instant appeal.

2. Having heard Mr. Anil Kumar Gupta, learned advocate appearing for the applicants/appellants and Mr. Amitava Mitra, learned advocate appearing for the respondent nos. 1 and 2, we are of the considered view that sufficient cause has been shown for belated presentation of the appeal.

3. Accordingly the application is allowed.

Re : M.A.T. 1388 of 2022

4. This intra-Court appeal is directed against an interim order dated 11th March, 2022 passed in W.P.A. 3555 of 2022 and I.A. No. CAN 1 of 2022. By the said order, the learned Single Bench has kept in abeyance the recovery proceedings initiated by the appellants/organisation against the respondents.

5. We have perused the order passed by the learned Single Bench and found that reasons have been assigned as to why the respondents/writ petitioners are entitled for interim protection. To be noted that the directions issued for filing of the affidavit in opposition has been complied with by the

appellants/organisation and the respondents/writ petitioners have also filed a reply in compliance with the direction issued by the learned Single Bench.

6. In our considered view, no grounds have been made out by the appellants/organisation to interfere with the exercise of discretion by the learned Single Bench and staying recovery proceedings till the matter is being heard.

7. Therefore, we are not inclined to entertain this appeal. Accordingly, the appeal and the connected application (I.A. No. CAN 2 of 2022) stand dismissed.

8. We grant liberty to the learned advocate for the appellants to mention before the learned Single Bench for early listing of the writ petition since it is submitted that the recovery of more than Rs. 2 crores has been stalled on account of pendency of the matter.

9. However, we make it clear that we have not gone into the merits of the matter.

10. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM, J)

I agree,

(HIRANMAY BHATTACHARYYA, J.)

NAREN/PALLAB (AR.C)