

47
25.01.2022
Ct. No.10
d.g.

WPA 21142 of 2021

Joydeb Chandra Sinha

Vs.

Regional Provident Fund Commissioner-I, Kolkata & Anr.

(Via Video Conference)

Mr. S.P. Tewary,
Mr. Soumitra Bag,
Ms. Sulagna Bag

...for the petitioner

Mr. Debangana Bhattacharyya ...for the respondent
nos. 1 & 2

It is submitted on behalf of the petitioner that the petitioner is the proprietor of General Security and Information Service and is within the purview of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Proceedings under Section 14B and 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 was initiated against the petitioner for the period from 1st May, 2012 to 31st May, 2019 and the petitioner was directed to pay an amount of Rs.21,11,805/- as damages. The petitioner preferred an appeal against the said order which is pending before the Appellate Court.

The petitioner submits that during the pendency of the appeal, the 1st respondent is inclined to issue an order of attachment of the bank account of the petitioner.

The petitioner prays for a direction upon the 1st respondent not to take any coercive action in this regard against the petitioner till disposal of the appeal.

Learned Counsel appearing for the 1st respondent submits that the petitioner may be directed to deposit a portion of the dues before any order is granted in his favour.

Admittedly, the petitioner has preferred a statutory appeal against the order of the Regional Commissioner I passed on 7th July, 2021 under Section 14B of the Act of 1952, which is pending before the learned Appellate Court.

In the circumstances, this Court of the view that no coercive action should be taken against the petitioner till disposal of the appeal which may be directed to be disposed of with a stipulated period of time.

Accordingly, the writ petition is disposed of with a direction upon the 1st respondent not to take any coercive step against the petitioner in this regard till disposal of the appeal.

It is expected that the learned Appellate Court shall dispose of the appeal on merits by a reasoned order within a period of three months from the date of communication of this order.

It is made clear that this Court has not gone into the merits on the case and the Appellate Court shall decide

the matter pending before it upon hearing the parties in accordance with law.

With the above observations and directions this writ petition being WPA 21142 of 2021 is disposed of.

However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)