

Item no. 06

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

Present:

The Hon'ble Justice T.S. Sivagnanam

And

The Hon'ble Justice Hiranmay Bhattacharyya

FMA 664 of 2022
with
IA No. CAN 1 of 2017 (Old No. CAN 10973 of 2017)

Central Board of Trustees
vs.
Employees Provident Fund Appellate Tribunal, New Delhi & Ors.

Appearance:

For the Appellant : Mr. Shib Chandra Prasad

For the Respondents : Mr. Soumya Majumdar

Heard on : 08.08.2022

Judgment on : 08.08.2022

T.S. Sivagnanam J.:

This intra-Court appeal is directed against the order dated 31.08.2017 passed in WP 18837 (W) of 2017. By the said order the writ petition was dismissed since in a batch of cases by order dated 16th May, 2017 the Court held that Central Board of Trustees has no right to file writ petition. The batch of cases were clubbed together and heard by this Bench in MAT 1100 of 2017 (Central Board of Trustees vs. The

Registrar, EPF Appellate Tribunal). By a judgment the appeal filed by the Central Board of Trustees was allowed and the writ petitions were held to be maintainable. Thus, following the said decision FMA 664 of 2022 is allowed and the order passed in the writ petition is set aside and restored to the file and number of the learned Single Judge to be heard and disposed of on merit. The contesting respondents are granted four weeks time from date to file affidavit-in-opposition after serving an advance copy of the same on the learned advocate of the appellant. Reply thereto, if any, be filed within three weeks thereafter.

List the writ petition before the appropriate learned Single Bench after nine weeks.

Consequently, the connected application stands disposed of.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)