

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1640 of 2022

M/s Steel Solution

.....

Petitioner

Mr. H.K. Mohnaty, Advocate

Vs.

Union of India and others

.....

Opposite Parties

Mr. B. Dash, Advocate for Opposite parties 2,3 and 4.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

1

This matter is taken up through video conferencing mode.

2. Heard Mr. H.K. Mohanty, learned counsel for the petitioner and Mr. B. Dash, learned counsel who has instruction to appear on behalf of opposite parties 2, 3 and 4.

3. The petitioner files this writ petition seeking to quash the order dated 05.01.2022 under Annexure-6 by which the review petition filed by the petitioner under Section 7B of the EPF &MP Act, 1952 in respect of M/s Steel Solution OR/RKL/8706, against the 7A order dated 09.07.2021 has been rejected on the ground of limitation.

4. Mr. H.K. Mohanty, learned counsel for the petitioner contended that in view of the order passed by the apex Court in Miscellaneous Application No. 665 of 2021 in SMW (C) No. 3 of 2020, though the period of limitation has been extended due to outbreak of COVID-19 pandemic by exercising suo motu jurisdiction, however, without adhering to such direction, the opposite party no.3 rejected the review application on the ground of limitation by passing a bald order in Annexure-6. Therefore, the said order cannot sustain in the eye of law.

5. Mr. B. Dash, learned counsel appearing for the opposite parties 2, 3 and 4 contended that though the apex Court has already extended the limitation period, the authorities must not have aware

of such position, therefore, the order impugned has been passed. Consequentially liberty may be granted to the said authority to reconsider the review application filed by the petitioner by extending the limitation period in pursuant to the order passed by the apex Court.

6. Having heard learned counsel for the parties and after going through the record, it appears that the limitation period in filing the review application fall within the pandemic of COVID-19, for which the apex Court has already extended the limitation period. This fact has not been taken into consideration by opposite party no.3 while passing the impugned order under Annexure-6. Thereby since the review application has been filed within the COVID-19 limitation period as has been extended by the apex Court as mentioned above, opposite party no.3 should not have rejected the application on the ground of limitation as has been done in Annexure-6. Thereby the order dated 05.01.2022 passed by opposite party no.3 under Annexure-6 cannot sustain in the eye of law. Consequence thereof the same is hereby quashed and the matter is remitted back to opposite party no.3 to consider the review application afresh in accordance with law by giving opportunity of hearing to all the parties.

7. With the above observation/direction, the writ petition stands disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.