

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 3288 of 2012

Orissa State Beverages Corp.
Ltd.

Petitioner

Mr. B. Dasmohapatra, Advocate

-versus-

Regn. Prov. Fund
Commissioner, BBSR and
others

Opposite Parties

Mr. S.S. Mohanty, (O.P. No. 1 to 3)

Mr. A. Mishra, (O.P. No.4)

CORAM: JUSTICE V. NARASINGH

ORDER
07.09.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B. Dasmohapatra, learned counsel for the petitioner and Mr. S.S. Mohanty, learned counsel for the Opposite Part No.1 to 3 and Mr. A. Mishra, learned counsel for the Opposite Party No.4.
3. The petitioner as principal employer, being aggrieved by the orders passed by the passed by the Employees Provident Fund Organisation dated 12.01.2011 U/s. 7A of the EPF Act and the notice of the recovery officer dated 12.08.2011 U/s. 8B of the Act at Annexure-3 and 7 respectively for deposit of EPF dues by the Opposite Party No.4- M/s. Executive Security Services (P) Limited have filed the present W.P.(C).
4. Counter affidavit has been filed by the Opposite Party No.4 enclosing thereto a communication from the EPF Organisation

addressed to the Petitioner-Corporation relating to withdrawal of attachment. For convenience of ready reference such communication is quoted hereunder;

“To

*Genral Manager (Adm)
OSBC Ltd, IDCO Tower, 9th Floor,
Saheednagar, Bhubaneswar*

*Sub: Withdrawal of attachment of CP against CC
No.03/2011 in respect of M/s.Executive
Security Service Pvt. Ltd., Nehru Nagar,
Berhampur, Dist-Ganjam, OR/5162-reg.*

*Reference: Order No. SRO/BAM/RR/CC-
3/2011/OR/5162/3449(2) dated 12.08.2011,
L.No.4043 dated 10.9.2011, L.No.4746 dated
24.10.2011, L.No-6059 dated 20.12.2011 &
L.No.6878 dated 27.1.2012.*

Your Letter No. Nil dated 07.09.2011.

Sir,

*Please refer to this office letter cited on the
above subject. In this context it is to inform that the
total arrear outstanding amount has been realized
fully.*

*Hence the attachment orders issued earlier is
withdrawn.*

Yours faithfully,

*Asst. PF Commissioner &
Recovery Officer
SRO, Berhampur”*

5. Learned counsel for the petitioner Mr. Dasmohapatra draws the attention of this Court to another letter dtd. 05.05.2016 at Annexure-12 received from the EPF Organisation wherein it has been clarified that so far as amount of Rs.8,05,249/- is concerned, the same is subjudice before this Court in W.P.(C) No.10101 of

2011 and the attachment made against Beverage Corporation under Section 7C of the Act for the period 12/2003 to 05/2005 relating to 50 employees deployed at BSNL Rourkela by the establishment.

6. In view of the communication, extracted hereinabove read with the clarification dated 05.05.2016 issued to the Beverage Corporation, the grievance of the petitioner has been addressed and nothing remains to be adjudicated on the present lis and the writ petition is accordingly disposed of.

7. It shall be open to the Opposite Party No.4 to approach the Petitioner-Corporation for release of any dues in connection with the notice issued by the corporation which was assailed herein. And, the same shall be disposed of expeditiously preferably within a period of three months from the date of receipt/production of certified copy of this order.

8. The writ petitioner accordingly stands disposed of.

(V. NARASINGH)
Judge

Santoshi