

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.6665 of 2022**

***M/S Prkash Kumar Choudhury*** ..... ***Petitioner***  
**Mr. R.K.Mahanta, Advocate**

***-versus-***

***Union of India and others*** ..... ***Opp. Parties***  
**Mr.Y.S.P.Babu, A.G.A.**

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**16.03.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Central Government Counsel.
3. The present writ application has been filed by the Petitioner with a prayer for quashing of the order dated 04.01.2021 passed by the Opposite Party No.3 under Annexure-5 & 6 as well as notice under Annexure-12.
4. The short fact of the case is that the Petitioner's establishment has been closed and closure notice has been sent. As the Petitioner has failed to pay the outstanding dues, payable to the E.P.F. authorities, the authorities issued demand notice. On failure to deposit the demanded amount, the E.P.F. authority issued warrant of arrest. In the said warrant of arrest the outstanding dues has been mentioned as Rs.9,09,600/-.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is willing to deposit the amount, if some time will be granted. He also submits that due to some difficulties the establishment of the Petitioner has been closed.

6. Learned Central Government Counsel submits that if the amount due is deposited by the Petitioner with the authority, the authority has the power to recall the warrant. In such view of the matter, Mr. Panda, learned C.G.C. submits that the Petitioner be directed to deposit the amount before the competent authority, who shall recall the warrant.

7. Considering the peculiar facts and circumstances and the fact that the Petitioner's establishment has been closed, this Court grants one month time to the Petitioner to deposit the aforesaid amount of Rs.9,09,600/- before the competent authority. Till then the warrant of arrest under Annexure-13 shall not be executed.

8. It is further directed that in the event the Petitioner has deposited the amount then the authority by taking resort to Section 8(F)(3) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, shall recall the warrant of arrest issued against the Petitioner.

9. With the aforesaid observation the writ application stands disposed of.

10. Issue urgent certified copy as per Rules.