

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30821 of 2022

***Kashinath Higher Secondary
School***

Petitioner

Dr. J.K. Lenka, Advocate

-versus-

***Regional Provident Fund
Commissioner and others***

Opp. Parties

Mr. A. Mohanty, Advocate.

CORAM:

JUSTICE A.K. MOHAPATRA

**ORDER
22.11.2022**

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with a prayer to quash the attachment order dated 04.11.2022 under Annexure-2 and allow the petitioner-institution to deposit the balance arrear EPF damaged (Penalty) and interest from March 2012 to 2019 amounting to Rs.9,39,665/- on installment basis.
4. Mr. Mohanty, learned counsel appearing for the EPF Commissioner submits that the order annexed to the writ petition under Annexure-2 dated 04.11.2022 is not the attachment order. He further submits that the attachment order was passed on 27.10.2022.
5. Dr. Lenka, learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the balance amount along with interest provided some time is allowed to the petitioner to arrange the

money. He further submits that the petitioner being an institution does not have liquidity to pay the demanded amount of one go, as such, the petitioner may be permitted to pay the same in monthly installments as is permissible in law.

6. Mr. Mohanty, learned counsel appearing for the EPF Commissioner, on the other hand, submits that the petitioner be directed to approach the competent authority by filing a fresh representation seeking relief of paying the balance dues in installments, in such eventuality, the authority shall consider the prayer of the petitioner in accordance with law within a stipulated period of time.

7. Considering the aforesaid submissions made by the respective parties, and upon careful consideration of factual background of the case, this Court deems it proper not to remand back the matter to the authority instead the same can be resolved by passing appropriate direction of the present writ petitioner. Therefore, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with certified copy of this order before the Regional Provident Fund Commissioner, EPFO, Bhubaneswar (Opposite Party No.1) within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the same shall be considered strictly in accordance with law within a period of four weeks from the date of receipt of the representation.

8. It is further directed that the petitioner shall deposit the outstanding amount along with interest on delayed payment in nine installments along with interest and the repayment shall start from January, 2023 and thereafter the petitioner shall go on paying each installment without fail. If he makes any default in payment of

installment, it is open for the Opposite Party No.1 to execute the attachment order.

9. However, in the event, the petitioner goes on paying the installment dues as has been directed hereinabove, the order of attachment shall not be given effect to.

10. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

